Alberta

Freedom To Create. Spirit To Achieve.

Justice

Annual Report
2008-2009

Government of Alberta

Note to Readers:
Copies of the annual report are available on the Justice Communications website or by contacting:

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ISBN: 978-0-7785-8564-0

September 2009

Alberta Connects:
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Justice

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2008-2009

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Preface

The Public Accounts of Alberta are prepared in accordance with the *Financial Administration Act* and the *Government Accountability Act*. The Public Accounts consist of the annual report of the Government of Alberta and the annual reports of each of the 24 ministries.

The annual report of the Government of Alberta released June 30, 2009 contains the Ministers' accountability statements, the consolidated financial statements of the Province and *The Measuring Up* report, which compares actual performance results to desired results set out in the government's business plan.

This annual report of the Ministry of Justice contains the Minister's accountability statement, the audited financial statements of the Ministry and a comparison of actual performance results to desired results set out in the Ministry business plan. This Ministry annual report also includes other financial information as required by the *Financial Administration Act* and *Government Accountability Act*, either as separate reports or as a part of the financial statements, to the extent that the Ministry has anything to report.

Minister's Accountability Statement

The Ministry's annual report for the year ended March 31, 2009, was prepared under my direction in accordance with the *Government Accountability Act* and the government's accounting policies. All of the government's policy decisions as at September 11, 2009 with material economic or fiscal implications of which I am aware have been considered in the preparation of this report.

[Original signed by]

Alison Redford, Q.C.
Minister of Justice and Attorney General

Vision and Mission

Vision

A fair and safe society supported by a trusted justice system.

Mission

To protect the rights of all individuals in Alberta and advance the interests of society by fostering:

- Safe communities
- Access to justice
- Respect for the law
- Understanding of and confidence in the justice system
- The legal foundation for social cohesion and economic prosperity

Message from the Minister

I am proud to say that it has been another very busy and very successful year at Alberta Justice. I am pleased with the many accomplishments the Ministry has achieved in such a short time.

During the first year of our major Safe Communities Initiative, we built a strong foundation of enforcement, helping us better combat crime and create efficiencies in the justice system. This initiative, which brings together nine government ministries, is a new approach to the way we do business. The Safe Communities Initiative is the largest crime reduction initiative in the country and no other province is duplicating our methods or approach.

Our successes over the past 12 months included:

Increasing the number of Crown Prosecutors, developing a comprehensive bail package for priority prolific offenders and having Crowns handle bail hearing.

Adding more treatment beds for young people and launching a new housing program for Calgarians with mental health issues.

Meeting with western ministers from British Columbia, Saskatchewan and Manitoba to create a united front against gang violence and develop an action plan to gather and share information and strategies.

Working closely with the federal government on amendments to the *Criminal Code* including credit for pre-trial time served limited to a one-for-one basis and reviewing the *Youth Criminal Justice Act* to improve responses to serious and repeat offenders.

Creating the Safe Communities Innovation Fund to strengthen and develop community-based and innovative community-police partnerships in an effort to combat crime at the grassroots level.

Establishing the Civil Forfeiture Office to handle cases under the *Victims Restitution and Compensation Payment Act*, which allows the seizure and sale of the proceeds and instruments of crime through the civil courts.

Access to justice is a fundamental right of Albertans; it is also an important component of how we assess the communities in which we live. A fourth Law Information Centre opened in the Calgary Courts Centre to help self-represented litigants navigate the justice system. We also continued our work on a number of other initiatives, including expanding dispute resolution programs, streamlining family justice system processes, reducing lead times to trial and exploring options for reducing costs associated with legal services.

Alberta Justice Crown Prosecutors have also had a busy year. Dealing with several high profile cases in addition to regular caseloads, our Crown Prosecutors worked tirelessly to represent Alberta Justice with professionalism, expertise and integrity.

Reducing crime in a meaningful, long-term way requires a great deal of work, dedication and perseverance. Our ongoing partnerships with police, social, health, municipal and community agencies are instrumental in moving forward on this initiative. Next year we will focus on the underlying causes of crime and partnerships that address crime at the community level.

We have been given an unprecedented opportunity to make some momentous changes to the province, and I look forward to continuing to work to ensure that Alberta's communities are safe and secure.

[Original signed by]

Alison Redford, Q.C.
Minister of Justice and Attorney General

Management's Responsibility for Reporting

The Ministry of Justice includes: the Department of Justice, the Alberta review Board, the Fatality Review Board, the Judicial Council, the Notaries Public Review Committee, the Provincial Court Nominating Committee and the Rules of Court Committee.

The executives of the individual entities within the Ministry have the primary responsibility and accountability for the respective entities. Collectively, the executives ensure the Ministry complies with all relevant legislation, regulations and policies.

Ministry business plans, annual reports, performance results and the supporting management information are integral to the government's fiscal and business plans, annual report, quarterly reports and other financial and performance reporting.

Responsibility for the integrity and objectivity of the consolidated financial statements and performance results for the Ministry rests with the Minister of Justice. Under the direction of the Minister, I oversee the preparation of the Ministry's annual report, including consolidated financial statements and performance results. The consolidated financial statements and the performance results, of necessity, include amounts that are based on estimates and judgments. The consolidated financial statements are prepared in accordance with Canadian generally accepted accounting principles for the public sector as recommended by the Public Sector Accounting Board of the Canadian Institute of Chartered Accountants. The performance measures are prepared in accordance with the following criteria:

- Reliability - Information agrees with the underlying data and with the sources used to prepare it.
- Understandability and Comparability - Actual results are presented clearly and consistently with the stated methodology and presented on the same basis as targets and prior years' information.
- Completeness - Performance measures and targets match those included in Budget 2008. Actual results are presented for all measures.

As Deputy Minister, in addition to program responsibilities, I establish and maintain the Ministry's financial administration and reporting functions. The Ministry maintains systems of financial management and internal control which give consideration to costs, benefits, and risks that are designed to:

- provide reasonable assurance that transactions are properly authorized, executed in accordance with prescribed legislation and regulations, and properly recorded so as to maintain accountability of public money;
- provide information to manage and report on performance;
- safeguard the assets and properties of the Province under Ministry administration;
- provide Executive Council, Treasury Board, the Minister of Finance and Enterprise and the Minister of Justice any information needed to fulfill their responsibilities; and
- facilitate preparation of Ministry business plans and annual reports required under the *Government Accountability Act*.

In fulfilling my responsibilities for the Ministry, I have relied, as necessary, on the executive of the individual entities within the Ministry.

[Original signed by]

Ray Bodnarek, Q.C.
Deputy Minister of Justice and Deputy Attorney General

September 11, 2009

Overview

Ministry Entities

Minister of Justice and Attorney General

Alberta Review Board
Fatality Review Board
Judicial Council
Notaries Public Review Committee
Provincial Court Nominating Committee
Rules of Court Committee

Deputy Minister of Justice and Deputy Attorney General

Aboriginal Justice Initiatives

Communications

Corporate Services
- Business Services
- Claims and Recoveries
- Financial Services
- Information Services
- Justice Information Management System (JIMS)
- Planning and Reporting Services

Court Services
- Court of Appeal
- Court of Queen's Bench
- Provincial Court
- Strategic Initiatives
- Planning and Business Services

Criminal Justice
- Appeals and Prosecution Policy
- General Prosecutions
- Special Prosecutions
- Strategic Planning and Business Services

Human Resource Services

Legal Services
- Civil Law
- Constitutional and Aboriginal Law
- Legislative Counsel Office
- Legislative Reform
- Office of the Public Trustee
- Civil Forfeiture Office

Maintenance Enforcement Program
- Client Services
- Collections
- Policy and Legislation
- Program Support

Medical Examiner's Office

Policy Secretariat

Safe Communities Secretariat

Boards, Agencies and Committees

Alberta Review Board

The Honourable Judge Michael Stevens-Guille
Chair
Phone: 780-422-5994
Fax: 780-427-1762

The Alberta Review Board makes or reviews dispositions concerning any accused person for whom a verdict of "not criminally responsible because of mental disorder" or "unfit to stand trial" is rendered, according to the provisions of the *Criminal Code of Canada*. The board also has the responsibility for determining whether a person should be subject to a detention order or conditional discharge, or be granted an absolute discharge. The board's nine members are appointed by the Lieutenant Governor in Council.

Fatality Review Board

Margaret Mrazek, Q.C.
Chair
Phone: 403-297-8123
Fax: 403-297-3429

The Fatality Review Board is responsible for reviewing certain deaths investigated by the Office of the Chief Medical Examiner and recommending to the Minister of Justice and Attorney General whether a public fatality inquiry should be held. The board is appointed by the Lieutenant Governor in Council and is composed of a lawyer, a physician and a layperson. The Chief Medical Examiner is also a member of the board, but cannot vote on any matter before it. Cases reviewed by the board generally include accidental deaths (where recommendations could be made at a public fatality inquiry for the prevention of similar deaths in the future), cases where the cause and manner of death remain undetermined after a complete investigation, and deaths of individuals who are in police custody, in prison, certified under the *Mental Health Act*, or under the Director of Child Welfare's guardianship or in the director's custody.

Judicial Council

The Honourable Chief Judge A. Gail Vickery
Chair
Phone: 780-427-6330
Fax: 780-427-2077

The Judicial Council screens individuals to determine if they are qualified for appointment to the Provincial Court of Alberta. The council is granted jurisdiction to deal with complaints against masters, Provincial Court judges and Justices of the Peace. The Minister of Justice and Attorney General appoints two members of this council. The remaining four members are designated under the *Judicature Act*.

Notaries Public Review Committee

Salvatore (Sam) Amelio
Chair
Phone: 780-427-5069
Fax: 780-427-6821

The Notaries Public Review Committee advises the Minister of Justice and Attorney General on appointments of lay notaries public. The committee consists of a member of the Law Society of Alberta, a member of the business community and a member of the Ministry, who is the secretary. All are appointed by ministerial order under the *Government Organization Act*. The committee reviews applications for appointment and then provides recommendations to the Minister of Justice and Attorney General.

Provincial Court Nominating Committee

Joan Herta-Benkendorf, Q.C.
Chair
Phone: 780-422-9625
Fax: 780-422-6613

The Provincial Court Nominating Committee provides recommendations to the Minister of Justice and Attorney General on the appointment of individuals to the Provincial Court of Alberta. The committee members are appointed by the Minister of Justice and Attorney General.

Rules of Court Committee

The Honourable Justice Frans F. Slatter
Chair

Barb Turner
Acting Secretary
Phone: 780-427-4992
Fax: 780-422-6613

The Rules of Court Committee makes recommendations to the Minister of Justice and Attorney General on the amendments to the Rules of Court made under the *Court of Appeal Act*, the *Court of Queen's Bench Act* or any other act. The committee consists of six members: the Chief Justice of Alberta or designate, the Chief Justice of the Court of Queen's Bench or designate, the Chief Judge of the Provincial Court of Alberta or designate, two members appointed by the Minister of Justice and Attorney General on recommendation of the Law Society of Alberta, and one member appointed by the Minister of Justice and Attorney General.

Department of Justice

Aboriginal Justice Initiatives Unit

Bronwyn Shoush
Director
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The Aboriginal Justice Initiatives Unit (AJIU) provides support and strategic advice on Aboriginal justice issues to the deputy ministers and executive committees of Justice and Solicitor General and Public Security. AJIU liaises with First Nation and Métis authorities, and other key stakeholders, to encourage Aboriginal justice initiatives that promote safe communities, good relations between neighbours, and improved access to and understanding of the justice system.

Communications

Jay O'Neill
Director
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Communications provides strategic communications advice to the Minister, Deputy Minister, department executive management and staff. Communications staff also work to inform Albertans about the justice system and department goals, initiatives and achievements. This includes providing Albertans timely, accurate and useful information about publicly available justice system services and resources. The branch also helps provide internal communication services to department staff on Justice policies, programs, initiatives, issues and other staff matters.

Corporate Services Division

Bruce Perry
Assistant Deputy Minister
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The Corporate Services Division provides strategic information, tools, processes and services to achieve the department's goals and enhance its effectiveness. The division provides professional services and strategic advice on matters related to cross-government initiatives, business planning and reporting, performance measurement, financial planning, financial management and reporting, accounting, information technology management and strategy, *Freedom of Information and Protection of Privacy Act* administration, records management, contract management, enterprise risk management, environmental scanning, emergency management, capital planning, accommodation projects, and project management.

The division also manages provincial programs on behalf of Justice, including the Motor Vehicle Accident Claims program, the Abandoned and Seized Vehicle program, the Fines Enforcement program, the Notaries Public program, the Commissioners for Oaths program and the Documentation Authentication program, as well as providing asset management and disposal services on behalf of the Civil Forfeiture Office.

Corporate Services is also responsible for the Justice Information Management System initiative which is working to streamline the justice system and improve Justice services for Albertans.

Court Services Division

Barb Hookenson
Assistant Deputy Minister
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Court Services Division provides administrative, planning and technical support to Alberta's three courts: the Court of Appeal of Alberta (in two locations), the Court of Queen's Bench of Alberta (in 13 locations) and the Provincial Court of Alberta (in 74 locations). Staff are located in 21 centres and the courts circuit to an additional 53 locations.

The three courts maintain all court records and accept a wide variety of documents for filing from the public, lawyers, law enforcement agencies and other government departments. Employees record all court proceedings, swear in or affirm witnesses and interpreters, mark and ensure the safekeeping of exhibits, process fines and other payments into court, perform searches, and provide general assistance to lawyers and the public.

Court Services Division develops strategies to provide access to a broad range of services including mediation and other appropriate dispute resolution mechanisms. Court Services also operates Law Information Centres to provide assistance to self-represented litigants, and law libraries to provide legal information to judges, Crown Prosecutors, other lawyers and the public.

Criminal Justice Division

Greg Lepp, Q.C.
Assistant Deputy Minister
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Criminal Justice Division prosecutes all offences under the *Criminal Code of Canada*, the *Youth Criminal Justice Act* and the provincial statutes in all the courts of the province and the Supreme Court of Canada. This work includes, but is not limited to, prosecuting homicide, assault (sexual, aggravated), impaired driving, break and enter, theft and fraud, speeding and other driving offences, and excludes adult drug offences. Criminal Justice Division works with justice system stakeholders and the community to promote safe communities and implement alternative approaches to the administration of justice.

The division is divided into five branches. The Management and Leadership Services Branch provides direct service to the Minister and executive management, and is responsible for leading policy and planning initiatives within the division and for coordinating these activities with other stakeholders. The Appeals Branch is responsible for criminal appeals in the Court of Appeal and the Supreme Court of Canada, and provides legal and strategic advice with respect to legislation impacting the Criminal Justice Division. The Special Prosecutions Branch provides specialized prosecutorial services in areas of organized crime, significant commercial or corporate crime, or crimes committed against government. The General Prosecutions Branch is responsible for all cases apart from those assigned to the other branches. The Policy and Staff Development Branch is responsible for Federal/Provincial/Territorial relations, the Crown Prosecutor's Policy Manual and staff education and training.

Human Resource Services Division

Virginia Van Horn
Executive Director
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The Human Resource Services Division (HRS) provides strategic advice and consultation services to assist the Ministry achieve cross-government and corporate human resource goals and strategies.

A team of human resource professionals provides advisory services and support to Justice Divisions in the areas of recruitment, employee/ labour relations, organizational design and development, as well as job evaluation. Working in partnership with divisions, HRS develops, delivers and enhances human resource programs such as Learning and Development, Performance Management, Rewards and Recognition, New Employee Orientation, as well as the Mentoring and Ambassador Programs. HRS also offers support on succession management, workplace health and disability management. In addition, HRS assists the Ministry to identify workforce priorities and develop related strategies for ministry-wide implementation.

Legal Services Division

Grant Sprague
Assistant Deputy Minister
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The Legal Services Division is responsible for all civil legal services to the Government of Alberta.

The Civil Law Branch provides legal and related strategic services to all government ministries and represents them in matters before the courts and tribunals. The Constitutional and Aboriginal Law Branch provides specialized advice to the government concerning constitutional and Aboriginal matters. The Legislative Reform Branch provides advice on legislative policy.

The Legislative Counsel Office is responsible for drafting government public bills, regulations and Orders in Council. This office also works with the Queen's Printer to make the laws of Alberta available to the public.

The Public Trustee, acting under the *Public Trustee Act*, protects the financial interests of vulnerable Albertans by administering the estates of dependent adults, decedents and minors.

The Civil Forfeiture Office, which was established in January 2009, is tasked with putting the expanded *Victims Restitution and Compensation Payment Act*, and civil forfeiture into effect. The goal of the office is to seek forfeiture of property used in illegal activity, and to distribute the revenues to victims and victims programs.

Maintenance Enforcement Program

Manuel da Costa
Executive Director
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The Maintenance Enforcement Program (MEP) ensures that individuals meet their obligations to pay child and spousal support under the terms of their court orders and certain agreements. Once an order or agreement has been registered with MEP, maintenance payments that the debtor (payor) would normally remit directly to the creditor (recipient) are sent to MEP. Once the funds have cleared through a trust account the program forwards the payment to the creditor.

In cases of default of non-payment by the debtor, MEP has the legislative authority to take steps to enforce the support owed. These enforcement tools include registrations at the Land Titles and Personal Property Registries; wage, non-wage and federal support deduction notices; federal license (passport) denials; motor vehicle registry restrictions and driver's license cancellations; registration at the credit bureau and compelling attendance at default court hearings. MEP also has access to a variety of databases to assist in locating a debtor or a debtor's assets or income.

There are approximately 96,000 creditors and debtors and over 64,000 children registered with MEP.

Medical Examiner's Office

Dr. Graeme Dowling, M.D.
Chief Medical Examiner
Phone: 780-427-4987
Fax: 780-422-1265
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The Medical Examiner's Office investigates all unexplained natural deaths and unnatural deaths in Alberta under the authority of the *Fatality Inquiries Act*. The findings may be used to assist in resolving civil and criminal law matters that often arise after a death. The Fatality Review Board reviews cases investigated by the Medical Examiner's Office and recommends to the Minister of Justice and Attorney General as to which cases a public fatality inquiry should be held. These inquiries are held before a Provincial Court judge.

Policy Secretariat

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The Policy Secretariat supports the Ministry by providing policy coordination, development, advice, and research. Additionally, the unit assists in partnership facilitation and leads Justice in enhancing public understanding and confidence in the justice system.

To achieve this, the Policy Secretariat works with the Executive Leadership Team, divisions, and outside stakeholders to develop justice policy that will best serve the public's interest.

Safe Communities Secretariat

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The Safe Communities Secretariat was established by the government to coordinate and implement the recommendations of the Crime Reduction and Safe Communities Task Force. It was established to focus on the factors that give rise to crime, such as drug and alcohol abuse and addiction, mental illness and dysfunctional families, and to develop a comprehensive, long-term crime reduction and prevention strategy, as well as promoting shared responsibility and innovative safe community strategies. The Safe Communities Initiative is a partnership of nine government ministries: Justice, Solicitor General and Public Security, Health and Wellness, Education, Children and Youth Services, Municipal Affairs, Aboriginal Relations, Housing and Urban Affairs, and Culture and Community Spirit. The Secretariat also works with municipalities, businesses, community agencies and individuals to find viable solutions to crime.

Operational Overview

Core Business Functions

Justice had four core business functions in 2008-09. Core business functions are the key responsibilities of the ministry that support the Ministry's mission and provide a framework for achieving results and allocating resources.

Prosecutions

The Criminal Justice Division has responsibility for general prosecutions of persons charged with *Criminal Code*, *Youth Criminal Justice Act* and provincial statute offences, and also handles criminal appeals in the Alberta Court of Appeal and the Supreme Court of Canada on behalf of Alberta's Attorney General. By vigorously prosecuting cases involving serious and violent crime, and working with individuals and organizations in the community to identify and implement improved and alternative approaches to the administration of criminal justice, the division promotes safe communities for Albertans. Special prosecutions provides specialized prosecution of commercial, organized, technology and Internet crime cases, and mutual international legal assistance. Criminal Justice also provides management and leadership services such as developing criminal law policy for the province and supporting criminal law consultation with other levels of government.

Courts

Alberta Courts are presided over by an independent judiciary. There are three Courts in the province – the Court of Appeal, the Court of Queen's Bench, and the Provincial Court. Court Services Division provides administrative support to the courts. Court Services also provides policy advice and assistance to the Minister and the Ministry in relation to court issues. Court Services' stakeholders include the public, the legal profession, law enforcement services, correctional authorities and various service providers.

Justice Services to Albertans

The Ministry promotes fair and equitable access to the civil and criminal justice system by providing a broad range of justice services through the courts, prosecution, and appropriate dispute resolution mechanisms. Access to justice also means addressing barriers that reduce Albertans' access to the justice system by providing legal representation for those in need of accurate and up-to-date information to increase awareness and knowledge of the justice system. In addition, services such as the Maintenance Enforcement Program, the Office of the Public Trustee, the Motor Vehicle Accident Claims Program and support for legal aid contribute to the preservation of a safe society for Albertans.

Legal and Strategic Services to Government

Civil Law provides legal services to all government ministries and represents them in matters before the courts and tribunals. Constitutional and Aboriginal Law provides specialized services to the government in constitutional and Aboriginal law matters. Legislative Reform provides advice on legislative policy. The Legislative Counsel Office is responsible for drafting government public bills, regulations and Orders in Council.

Key Factors Influencing Performance

Recognizing trends, identifying new challenges, and being aware of changes in diverse socio-economic sectors are important to setting the Ministry's strategic priorities and addressing justice concerns for Albertans. Many of these opportunities and challenges are complex and involve other stakeholders and jurisdictions. The following factors influence the Ministry in developing and achieving goals and strategies:

- The face of crime is changing and technology, particularly the Internet, is instrumental in facilitating these changes. It has provided criminals with anonymity as they commit crimes across borders more easily and more frequently than ever before. Cross-border crimes are more difficult to investigate, perpetrators are much harder to locate, and prosecutions are more complex and expensive.
- The Safe Communities Secretariat (SafeCom) is leading the development of a concerted, long-term plan of action to increase the safety of our communities and increase the public's confidence in the government's response to crime. In partnership with communities and other ministries, SafeCom will create innovative and integrated solutions to crime and its root causes that focus on prevention, treatment and enforcement in implementing the recommendations from the Task Force report, *Keeping Communities Safe*. SafeCom will support ministries and communities to develop and implement effective strategies that will reduce and prevent crime.
- Public confidence is impacting the justice system. Most Canadians have a number of misperceptions about crime and the nature of the criminal justice response, particularly regarding crime rates, rates of recidivism, and favouritism toward offenders. As well, people who are more fearful of crime tend to have less confidence in the justice system as a whole.
- There is an increasing pressure to involve key stakeholders in the program and policy decisions of Justice. Stakeholder engagement provides greater insight into justice issues and better alignment of interests and expectations. It is necessary for the Ministry to provide well researched, credible information to the public and to support a greater understanding of the justice system. Public involvement fosters more educated, informed, and engaged citizens. This provides opportunities for government to exchange perspectives with the public and its key stakeholders, allowing for the development of better solutions to policy issues.
- A number of factors are impacting the role of the court. These include: an increased number of self-represented litigants, overloaded court dockets, increasing costs, decreasing satisfaction with traditional litigation processes, societal movement toward dispute resolution, and a paradigm shift towards a problem-solving approach to jurisprudence.
- Self-represented litigants (SRLs) are a diverse group with different levels of ability and reasons for representing themselves. There are those who represent themselves by choice and those who have little or no choice but to represent themselves. SRLs often have difficulty accessing the justice system, and appear to use more justice system resources due to a lack of understanding of the system and its processes. The Ministry has taken a number of steps to provide enhanced services to SRLs.
- Recent and proposed amendments to federal criminal legislation will significantly impact the Alberta criminal justice system. Changes to federal criminal legislation includes: mandatory minimum sentences for certain crimes and limits to the pre-trial custody credit for those convicted of a crime to one day for each day in custody.
- The Ministry has been working on installing video-conferencing systems in courtrooms, moving to an electronic ticket management system, and an Intranet for staff has been developed and is up and running. These systems are anticipated to improve efficiency, security and productivity, and make Justice one of the more technology-supported justice ministries in Canada.

- Affordability of the justice system is a concern. While legal aid provides services to those who meet the financial eligibility requirements, many middle-income Albertans who do not qualify for legal aid are not able to afford lawyers. This impacts the court system as it increases the numbers of self-represented litigants. The legal profession provides pro bono services; however, the resources are not sufficient to assist everyone. Making the justice system more affordable for the public would improve access to justice. Developing solutions requires collaboration amongst the various stakeholders. One proposal is to increase the use of paralegals and have the legal profession consider the use of limited retainers.
- With the expected growth in population, Justice will see increases in the volume of people accessing the justice system. It is forecasted that Alberta will grow at a rate of about three times the national rate. The number of immigrants coming to Alberta has increased significantly over the past ten years and are becoming an increasing proportion of the province's population. Aboriginal people represent six per cent of the population and are the youngest and fastest growing segment of the population in Alberta. Aboriginal people continue to be significantly over-represented as victims and offenders in the criminal justice system.

Highlights – Performance at a Glance

Goal		Measure	Target	Result
Core Business One: Prosecutions				
Goal 1:	Promote safe communities in Alberta	1.a Public Perception of Safety in the Home* (p. 30)	No lower than 90%	91%
		1.b Public Perception of Safety in the Neighbourhood* (p. 31)	82%	73%
Core Business Two: Courts				
Goal 2:	Promote a fair and accessible civil and criminal justice system	2.a Median Elapsed Time from First to Last Appearance* (p. 36)	Below the Canadian Median (122 days)	109 Days
		2.b Provincial Court Civil Mediation Settlement Rate (p. 37)	63%	59%
Core Business Three: Justice Services to Albertans				
Goal 3:	Provide access to justice services for Albertans in need	3.a Client Satisfaction with the Services of the Public Trustee's Office (p. 40)	87%	89%
		3.b Maintenance Enforcement Program: Regularity of Payment Rate (p. 41)	67%	69%
		3.c Client Satisfaction with Legal Aid Services (p. 42)	80%	80%
		3.d Motor Vehicle Accident Recoveries Program: Enforcement Progress* (p. 43)	57%	62%
Goal 4:	Improve understanding of and confidence in the justice system	4.a Public Understanding of the Justice System* (p. 47)	70%	70%
		4.b Public Confidence in the Justice System* (p. 48)	80%	76%
Core Business Four: Legal and Strategic Services to Government				
Goal 5:	Assist government ministries to achieve their objectives through the provision of effective legal and related strategic services	5.a Client Satisfaction with Legal Services* (p. 52)	89%	91%
		5.b Client Satisfaction with Assistance in Meeting Corporate Goals* (p. 53)	85%	89%

* Reviewed by Auditor General

Summary of Key Activities

In 2008-09, Justice continued to focus on ensuring the justice system is efficient, effective and responsive to the needs of Albertans. The following summary highlights some of the key activities the Ministry undertook:

Reduce Crime and Support Safe Communities

The Safe Communities Secretariat was established April 1, 2008 to coordinate and implement the recommendations of the Crime Reduction and Safe Communities Task Force. Over the course of the past year, the nine partnering ministries have collaborated to address many of the Task Force recommendations:

- The Safe Communities Innovation Fund (SCIF) was introduced to provide funding to communities for innovative projects that prevent or reduce crime at a grass-roots level. This $60 million safe communities fund is aimed at helping at-risk people and their families, or crime reduction programs that involve strategic partnerships to help make neighbourhoods and communities safer. The fund focuses on community-based pilot projects and community-police partnership pilot projects.
- Eighty additional alcohol and drug addiction treatment beds have been opened including 25 beds to address concurrent disorders.
- The *Victims Restitution and Compensation Payment Act* was amended to enable courts to seize instruments of crime (vehicles and weapons) in addition to seizing property and profits gained from unlawful acts. The proceeds from the sale of the seized property will be used to address losses and injuries suffered by its victims. Since opening the Civil Forfeiture Office 35 instruments of crime were seized, including 20 motor vehicles. The total value of property restrained by court order was approximately $1.9 million.
- As the first step in developing a "Repeat Offender" pilot project, a comprehensive bail package was introduced, which will outline offenders' current status, history and risk to re-offend.
- Twenty-four new Crown prosecutors and 37 new support positions have been added to help manage the increasing demands on the justice system and improve court efficiency.
- One hundred additional police officer positions were funded throughout the province.
- An additional 110 probation officers will be hired over three years to allow for a more proactive approach in helping offenders turn their lives around. This will be achieved by combining close supervision with intensive guidance and monitoring to ensure offenders are participating in rehabilitative programs and services.
- Expansion of the Provincial Diversion Program to other communities including Edmonton. This program ensures that, whenever appropriate, adults and adolescents with mental illness who are in conflict with the law receive appropriate care, support and treatment from mental health, social and support services thereby reducing reliance on the criminal justice system.
- A gun amnesty in Hobbema was conducted to get unwanted guns out of the community. The Alberta government and RCMP worked with Hobbema band officials to carry out the four month long gun amnesty, which gave residents the opportunity to turn over unwanted firearms without facing charges for possessing unregistered and unlicensed weapons. The gun amnesty was for all firearms, including shotguns, handguns, and ammunition.

- Expansion of the Pathways to Housing Project in Calgary, providing housing and a second multi-disciplinary team to facilitate recovery and rehabilitation of individuals with mental illness and drug addiction. The program focuses on diverting clients away from the criminal justice system by providing housing and intensive medical, psychiatric and case management services to the most at-risk homeless clients.
- Enhanced or added counseling component to the community services associated with the family violence courts in eight locations.
- The *Safer Communities and Neighbourhoods Act* came into force (SCAN) and SCAN units established in Edmonton and Calgary to investigate and hold property owners accountable for what takes place on their property.

Work on Amendments to the *Criminal Code of Canada*

Alberta Crown prosecutors and policy experts continue to work with the federal government to advance recommendations on key areas of concern. The *Tackling Violent Crime Act* received Royal Assent and provisions to implement more effective sentencing measures for high-risk offenders, tougher mandatory prison sentences for serious gun crimes, as well as new bail provisions for those accused of serious gun crimes were implemented over the following months.

The Minster of Justice and Attorney General worked closely with the federal government on amendments to the *Criminal Code* that would see the credit given for pre-trial time served limited to a one-for-one basis. Federal Justice Minister Rob Nicholson introduced proposed legislation in the House of Commons that would eliminate the ability of judges to reduce an offender's sentence based on the time they spend in jail while awaiting trail.

Alberta has communicated concerns to the federal government regarding the overall structure and complexity of the *Youth Criminal Justice Act* (YCJA), together with particular concerns regarding sentencing provisions. The federal government committed to a comprehensive review of the YCJA and in May 2008, the Minister of Justice and Attorney General co-chaired a stakeholder roundtable to obtain input on needed changes to the YCJA.

Enhance Capacity of the Prosecution Service

Government has been working to enhance the Prosecution Service to more effectively prosecute serious and violent crime and, where appropriate, make dangerous and long-term offender applications. Over the last year, the Prosecution Service has recruited 61 new legal officers, paralegals and legal assistants. The criminal justice system will make more efficient and effective use of limited court and Crown time and resources by implementing file-ownership through the Court Case Management Program. Through file-ownership, Crown prosecutors will assume responsibility for a case from the beginning to the end of the court process. Crown prosecutors will also become involved in bail applications before Justices of the Peace to help ensure that people who should not be released remain in custody, and that those who should be released are released with appropriate conditions.

Invest in the Justice Workforce to Improve Service Quality

In collaboration with its stakeholders, Justice is committed to reviewing processes and investigating ways to improve service delivery. A review of prosecution services was conducted to streamline the criminal justice system and expand the use of Crown prosecutors at Justice of the Peace bail hearings.

The Strategic Workforce Development Project is a multi-phase project created in 2006 to do a needs assessment to determine the resources required to meet Court Services' current and future workforce challenges. Phase One, Assessing Organizational Capacity, concluded in October 2006, resulting in five priority areas which set the foundation for Phase Two, Building Organizational Capacity. In 2007-08, a *Strategic Workforce Development Project* report was prepared that outlines further steps to address the recommendations of Phase Two. Over 200 Court Services staff received On-boarding New Employees training, which teaches effective strategies to attract, engage and retain employees. Tools and resources were made available to new employees through the Intranet site.

Invest in Information Management and Increase Efficiency

The Justice Information Management System Initiative completed current state process maps this year, including a harmonized version of each process. This is a key step in streamlining, standardizing and optimizing core business processes within Justice.

Family Violence Strategy

Justice continues to participate on the Interdepartmental Committee on Family Violence and Bullying by attending monthly meetings and a one-day facilitated planning session to consider future priorities and strategic direction.

Eight domestic violence courts have been established across the province, all of which are now supported by funded counseling services for offenders. The Alberta Relationship Threat Assessment and Management Initiative, is an integrated multi-disciplinary team assembled to assess threats in relationship violence and stalking situations. The team is fully operational and has consulted in over 200 cases since established in November 2007.

Alternative Dispute Resolution

To meet the needs of Albertans, the government has been enhancing options for resolving disputes. To this end, work began in 2008-09 to develop a policy and procedure manual for the Provincial Court Civil Claims Mediation Program. Research was also undertaken to examine alternative ways to deliver mediation services online and through video and teleconferencing. In addition, consultations commenced on program design for a new court annexed dispute resolution process.

Improve Access to Justice

The new Calgary Law Information Centre opened its doors to the public to help them learn about general court procedures and access legal information. Other centres are located in Edmonton, Red Deer and Grande Prairie. These centres offer services such as in-person legal information and assistance in locating and completing forms and referrals to other justice services. The centres also provide clients with access to computers and printers, photocopiers, telephone and fax machines and direct telephone access to Alberta Law Line.

The Calgary Hearing Office added an overnight shift, seven days a week to hear important court matters such as bail hearing, search warrant applications, and emergency protection more quickly. The office opened around the clock to handle court hearing for all southern Alberta communities including Red Deer. Before this change, the Edmonton office handled all hearing for the province after midnight, putting increased pressure on that location. The extended hours reduced the workload for the Edmonton office, and eased the backlog for the Calgary office during the day.

Collaboration

Justice collaborated with external stakeholders during 2008-09 on several fronts, including:

- A legal review of the Federal/Provincial/Territorial pandemic Memorandum of Understanding;
- Expanding the Law Information Centres;
- Planning for provincial court services in Aboriginal communities, including Hobbema Samson Cree Nation and the Blood Tribe First Nation;
- The Justice Policy Advisory Committee is working on identifying information gaps that may affect public confidence, and determine potential research opportunities and effective justice education strategies. This Committee is co-chaired by the Ministers of Justice and Solicitor General and Public Security with a membership comprised of twenty-eight stakeholder organizations; and,
- The Minister of Justice and Attorney General met with western ministers from British Columbia, Saskatchewan and Manitoba to strengthen cooperation and collaboration between the provinces in order to create a united front against gang violence and develop an action plan to gather and share information and strategies.

Reform the Civil Justice System

Collaboration with Justice stakeholders took place throughout the year to:

- Explore the possibility of regulating and expanding the use of paralegals with a view to determine the benefit to the public of increasing access to justice and affordability; and,
- Considerable research with justice stakeholders was conducted on whether unbundling legal services would benefit the public by increasing access to justice and affordability in resolving disputes.

Mental Health Diversion Services

A project charter was developed by the Edmonton Mental Health Court Project Committee, made up of members of Alberta Courts, Health and Wellness, Alberta Mental Health Board, Alberta Forensic Psychiatric Services, Solicitor General and Public Security, Edmonton Police Services, and other stakeholders. This charter recommends implementing enhanced diversion services in Edmonton and was signed by the Deputies of Justice and Health and Wellness and the Acting Executive Lead of the Safe Communities Secretariat.

Results Analysis

Message from the Deputy Minister

The 2008-09 annual report shows the overall achievements and results related to the performance measures for Justice. Our ministry's key focus this year was the Safe Communities Initiative and I am proud to say huge strides were taken towards supporting this ambitious project. Over the past year we have put a great deal of time and resources into enhancing access to the civil and criminal justice system.

Last year, Safe Communities focused on strengthening the ranks of our police, probation officers and prosecutions. We changed the way bail hearings were conducted and introduced a new way to track repeat offenders. New legislation was implemented to target both the profits and properties used in crime and the Civil Forfeiture Office (CFO) was established to handle cases under the *Victims Restitution and Compensation Payment Act*.

Our ministry set ambitious targets this year towards fulfilling our mission of fostering safe communities, access to justice, respect for the law and understanding of and confidence in the justice system. Staff did a great deal of work to support our ministry's vision of a fair and safe society supported by a trusted justice system. Some of the most significant projects included:

The Justice Information Management System team has created more than 200 business process maps, documenting current state of business processes in Justice. They collected more than 800 opportunities for improvement from staff and stakeholders and investigated options for commercially available justice-related software.

The Court Case Management (CCM) Program was created to increase public confidence in the justice system and improve access to justice. The aim of the program is to more effectively manage cases in Edmonton and Calgary adult Provincial Court. CCM will benefit the Provincial Court, court staff, the Crown, defence counsel, the unrepresented accused, and Albertans.

The Office of the Public Trustee has been working on the Public Trustee Information System Replacement Initiative. This multi-year project will replace the existing system and will automate, streamline and standardize their business process for improved service to vulnerable Albertans.

Amendments to the *Family Law Act* were made to establish the Child Support Recalculation Program. This administrative recalculation service, to be affiliated with Alberta's Maintenance Enforcement Program, will annually adjust existing child support payments based on changes in the parties' incomes, rather than requiring the parties to return to court for a new order. The new option will streamline the process and reduce costs for the parties.

This was definitely a very busy year, and this amount of work could not have been achieved without the dedication and expertise of our management team and staff. We would not have been able to achieve our goals without our partners in other government ministries, the judiciary, the legal community, non-governmental organizations and Aboriginal communities.

I thank all of the Justice staff for their outstanding work and commend them all for another successful year.

[Original signed by]

Ray Bodnarek, Q.C.
Deputy Minister of Justice and Deputy Attorney General

AUDITOR GENERAL *Alberta*

REVIEW ENGAGEMENT REPORT

To the Members of the Legislative Assembly

I have reviewed the performance measures identified as "Reviewed by Auditor General" included in the Ministry of Justice's 2008-09 Annual Report. These performance measures are prepared based on the following criteria:

- Reliability – Information agrees with the underlying data and with sources used to prepare it.
- Understandability and Comparability – Actual results are presented clearly and consistently with the stated methodology and presented on the same basis as targets and prior years' information.
- Completeness – performance measures and targets match those included in Budget 2008. Actual results are presented for all measures.

My review was made in accordance with Canadian generally accepted standards for review engagements and, accordingly, consisted primarily of enquiry, analytical procedures and discussion related to information supplied to me by the Ministry. My review was not designed to provide assurance on the relevance of these performance measures.

A review does not constitute an audit and, consequently, I do not express an audit opinion on these performance measures.

Based on my review, nothing has come to my attention that causes me to believe that the "Reviewed by Auditor General" performance measures in the Ministry's 2008-09 Annual Report are not, in all material respects, presented in accordance with the criteria of reliability, understandability, comparability, and completeness as described above. However, my review was not designed to provide assurance on the relevance of these performance measures.

[Original signed by Fred J. Dunn]

FCA
Auditor General

Edmonton, Alberta
August 25, 2009

Goals, Strategic Accomplishments and Measures

In prior years, the Office of the Auditor General applied specified procedures to all ministry performance measures included in the annual report. In the current year the Office of the Auditor General conducted a limited assurance engagement (review) of a selection of performance measures that are identified in the annual report as "Reviewed by Auditor General". The measures were selected for review by ministry management based on the following criteria established by government.

Performance measures were selected that:

- Best represent the goals and mandated initiatives,
- Have well established methodology and data reporting,
- That have outcomes over which the government has a greater degree of influence, and
- That ensure that there is at least one measure to be reviewed for each goal in the Ministry business plan.

Core Business One: Prosecutions

Goal One – Promote Safe Communities in Alberta

Through public consultations, Albertans have indicated that safe communities where they can live, work, and raise their families without fear of crime or victimization is a high priority. The Prosecution Service must be well positioned to objectively and fairly prosecute the spectrum of criminal offences striving for just outcomes.

The following section highlights the Ministry's accomplishments related to the strategies identified under Goal One in the 2008-11 Justice Business Plan.

1.1 The Safe Communities Secretariat will work with other ministries, stakeholders, partners, and communities to advance the approved recommendations from the *Crime Reduction and Safe Communities Task Force* Report.

- On November 6, 2008, the Premier announced the Safe Communities Innovation Fund, which provides funding to communities for innovative projects that prevent or reduce crime at a grassroots level.
- The *Safer Communities and Neighbourhoods Act* (SCAN) came into force October 2008 with SCAN units established in Edmonton and Calgary. SCAN allows Albertans to take back their neighbourhoods by reporting problem residences and buildings. SCAN will improve community safety by targeting properties used for illegal activities, as well as holding property owners accountable for what takes place on their property.
- Calgary Pathways to Housing Project expanded services and supports from 50 to 110 chronic homeless Calgarians. The additional provincial funding provides housing and a second multi-disciplinary support team to facilitate recovery and rehabilitation of individuals with mental illness and drug addiction and focuses on diverting clients away from the criminal justice system. In addition to providing housing, the project provides intensive medical, psychiatric and case management services to the most at-risk homeless clients.

1.2 Conduct an intensive review of the prosecution service and its business processes and work with stakeholders to streamline the criminal justice system (*Crime Reduction and Safe Communities Task Force* Report Recommendation 10).

- The first part of the review of the Prosecution Service and its business processes was completed and implementation of the approved structure for Head Office of the Criminal Justice Division in Edmonton was effective November 1, 2008.
- Two key programs expanded in 2008-09 streamlining the criminal justice system through partnerships with stakeholders.
    - » Funding for the Provincial Diversion Program in Calgary, Lethbridge, St. Paul and Edmonton was enhanced to fully fund these programs and enable expansion of services in Edmonton.

1.3 Expand the use of Crown prosecutors at Justice of the Peace bail hearings (*Crime Reduction and Safe Communities Task Force* Report Recommendation 9).

- A pilot project commenced October 1, 2008, involving Crown prosecutors in bail applications before Justices of the Peace. Crown involvement helps ensure that people who should not be released remain in custody, and that those who should be released are released with the appropriate conditions in place.

1.4 Enhance the Prosecution Service to effectively prosecute serious and violent crime and where appropriate, make dangerous and long-term offender applications.

- The Prosecution Service has recruited 61 new legal officers, paralegals and legal assistants.
- The file ownership component of the Court Case Management Program will commence in February 2010. Through file ownership, Crown prosecutors will assume responsibility for cases from beginning to end, making more efficient use of limited court and Crown resources.
- The Minister of Justice and Attorney General met with ministers from British Columbia, Saskatchewan and Manitoba to strengthen the collaboration between the four provinces in an effort to address gangs in a united front. The western provinces met to share information and strategies to bring forth to the federal government amends to the *Criminal Code*, eliminate two-for-one credit for time served while awaiting trial, and implement bail reforms to help expedite prosecutions.

1.5 Work with partners and stakeholders to target and effectively address repeat offenders (*Crime Reduction and Safe Communities Task Force* Report Recommendation 19).

- On October 30, 2008, through Safe Communities Secretariat, Premier Stelmach announced a new initiative to tackle the serious problem of repeat offenders. This initiative will allow for greater coordination between law enforcement, courts and probation officers to identify, monitor and share information on the small number of offenders who commit a large percentage of crime in Alberta.
- Components of the repeat offender pilot project include the following:
    - » A comprehensive bail package was introduced by the Safe Communities Initiative, which outlines offenders' current status, history and risk to re-offend. The comprehensive bail package will enable the Crown to speak to bail with complete information about the offenders to hopefully support the Crown's position on bail, particularly when remand in custody is the Crown's recommendation.
    - » A need was identified to hire 110 new probation officers over the next three years to provide the supervision and support necessary to assist offenders in turning their lives around.

» Eighty additional mental health and addiction treatment beds were added, including 25 beds to address concurrent disorders. By providing the necessary treatment for addictions and mental illness, vulnerable Albertans stand a better chance of avoiding repeated contact with the criminal justice system.

- The *Tackling Violent Crime Act*, which received Royal Assent in February 2008, enabled implementation of more effective sentencing measures for high-risk offenders, tougher mandatory sentences for serious gun crimes, as well as new bail provisions for those accused of serious gun crimes.

1.6 Continue to work with traffic safety partners to implement the Alberta Traffic Safety Plan to reduce collisions on Alberta roads by effectively prosecuting traffic offences, including impaired driving cases.

- A new Traffic Safety Coordinator was hired for Justice. The Coordinator will represent Alberta on the Federal/Provincial/Territorial Impaired Driving Working Group and is involved in several provincial legislative initiatives.
- Calgary created Traffic Advisory Crowns to provide specialized advice on serious matters. Consultations with the Judiciary and local Crown, have begun to determine the requirements for a specialized impaired driving court. Edmonton also created a key contact Crown in this area.
- The Crown School 2008 program was dedicated to motor vehicle offences with a specialized component on drug recognition expert evidence.
- Starting in October 2008, the Traffic Fines Enforcement Initiative increased its efforts to collect unpaid fines from drivers who have outstanding traffic tickets across the province. Drivers who committed traffic offences received letters requesting payment on overdue traffic tickets. Of the $1,889,020.49 in overdue traffic tickets that were collected this year, the majority ($1,226,892.64) was collected since increasing collection efforts in October 2008.

1.7 Work collaboratively with other government ministries and community partners to participate in implementing the justice components of the Family Violence and Bullying Initiative.

- Planning work began on the victim safety planning resources and representatives from women's shelters have been added to the committee. The 2008 *Taking Action on Family Violence and Bullying Report to Albertans* and the *Alberta Children's Services: Albertan's Perceptions of Family Violence and Bullying Survey 2008* were released in December 2008. Documents were drafted for review by the Interdepartmental Committee on Family Violence and Bullying and the Policing Advisory Committee.

1.8 Work with the federal, provincial and territorial partners to advance changes to criminal law to ensure appropriate penalties are in place for serious crimes and to participate in a review of the *Youth Criminal Justice Act* (YCJA).

- Alberta supported the proposed amendments to the *Criminal Code*, introduced by Federal Justice Minister Rob Nicholson in the House of Commons that will limit the ability of judges to reduce an offender's sentence based on the time they spend in jail while awaiting trial.
- The federal government committed to a comprehensive review of the YCJA and in May 2008, the Minister of Justice and Attorney General co-chaired a stakeholder roundtable to obtain input on the changes needed.
- Alberta advanced proposals to strengthen the provisions of the *Canada Evidence Act* regarding the defence disclosure of expert evidence, and to provide for automatic sealing orders with respect to child pornography.

1.9 Implement the *Victims Restitution and Compensation Payment Act*, which expands the powers of the courts to assist victims who have suffered a loss of property as a result of an illegal act. This strategy is intended to support victims in getting restitution through the civil courts (*Crime Reduction and Safe Communities Task Force* Report Recommendation 8).

- The *Victims Restitution and Compensation Payment Act* was amended to enable courts to seize instruments of crime, such as vehicles and weapons or any property that has been used to commit any type of crime, in addition to seizing property and profits gained from unlawful acts. The proceeds from the sale of the seized property will be used to address losses and injuries suffered by victims.
- As part of the Safe Communities Initiative, the Civil Forfeiture Office was established to pursue cases under the *Victims Restitution and Compensation Payment Act*. The Civil Forfeiture Office was opened on October 1, 2008 to identify, review and prosecute cases under the Act.

1.10 Evaluate the current video-conferencing project for purposes of determining its effectiveness and, through that evaluation, conduct a needs assessment to determine what is required to accommodate expansion of video-conferencing services.

- The video-conferencing evaluation and needs assessment, a joint effort between Court Services, Correctional Services, and Sheriff Security Operations, was completed in December 2008.
- Evaluation findings indicate that the video-conferencing pilot was an overwhelming success and the technology proved to be a valuable tool to help conserve law enforcement, the court system and Corrections system resources by re-engineering overall court procedure. Video-conferencing increased safety to the public, increased protection of the accused, increased protection of the dignity of the accused, reduced costs associated with prisoner transfer, and improved efficiency and impact on Court Services and the courtroom.
- Renovations and construction are currently underway at the remaining correctional facilities: Red Deer Remand Centre, Peace River Correctional Centre, Medicine Hat Remand Centre, and Lethbridge Correctional Centre.
- Recommendations include increasing video-conferencing usage in the Court of Queen's Bench for witnesses, and developing a video-conferencing pilot project for Alternate Dispute Resolution services.

PERFORMANCE MEASURE 1.a: Public Perception of Safety in the Home

Performance Summary

The majority of Albertans (91 per cent) felt "very safe" or "reasonably safe" in their own home after dark. Respondents who had not been a victim of crime in the past year were more likely to say they felt "very safe" or "reasonably safe" when in their own home.

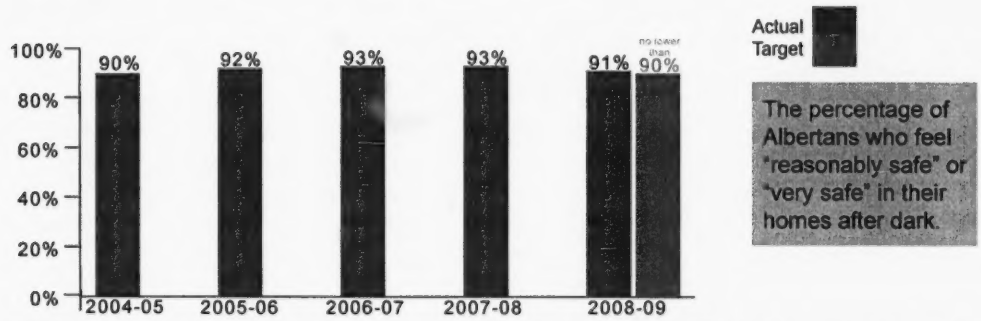
Performance Measure

Public Perception of Safety in the Home

The results of the Solicitor General and Public Security and Justice public opinion surveys indicated that 91 per cent* of Albertans felt "very safe" (53 per cent) or "reasonably safe" (39 per cent) in their own home after dark. This is comparable to previous results since 2004-05 and meets this year's target of 91 per cent.

* This is the percentage of respondents who reported feeling "very safe" or "reasonably safe" in their home after dark. The sum of the two response categories may not equal the total due to rounding.

Public Perception of Safety in the Home
Reviewed by Auditor General



Source: Alberta Justice 2009 Public Opinion Survey, Research Innovations Inc. and Alberta Solicitor General and Public Security 2009 Public Opinion Survey, Research Innovations Inc.

For methodology related to this measure see page 54.

Discussion and Analysis

Perception of safety in the home is one of the measures Justice uses to examine the extent to which the public perceives the Ministry as being successful in promoting safe communities. Governments, academics, political groups, and journalists often measure public attitudes toward the criminal justice system, crime and offenders in an attempt to discover how members of the public perceive crime and various justice issues. Public attitudes have the potential to influence the development of social policy and it is important to examine public attitudes.

In 2008-09, the majority of Albertans (91 per cent) felt safe in their own home after dark. Albertans who felt somewhat less safe in their homes included those who had lived in their current home for a relatively short period of time (6-10 years); those living in Edmonton; those with an annual income of less than $30,000; those who are divorced, separated or widowed; and those who had been a victim of crime in the last year.

In general, some of the factors that may influence a person's attitude include their gender, age, level of education, satisfaction with personal safety, victimization experience, and the experiences of friends and family. Heightened media exposure of high profile cases, as well as focused media coverage on the Safe Communities Initiative, may have potentially influenced the result for this measure.

PERFORMANCE MEASURE 1.b: Public Perception of Safety in the Neighbourhood

Performance Summary

Most Albertans felt safe walking alone at night in their neighbourhood or area. Higher perceived safety levels were identified among residents in rural areas, residents in smaller cities, those who had lived in Alberta for 41 to 50 years (i.e., for a relatively long period of time compared to other subgroups), men, those with university education, and those in households with an annual income of $100,000 or more.

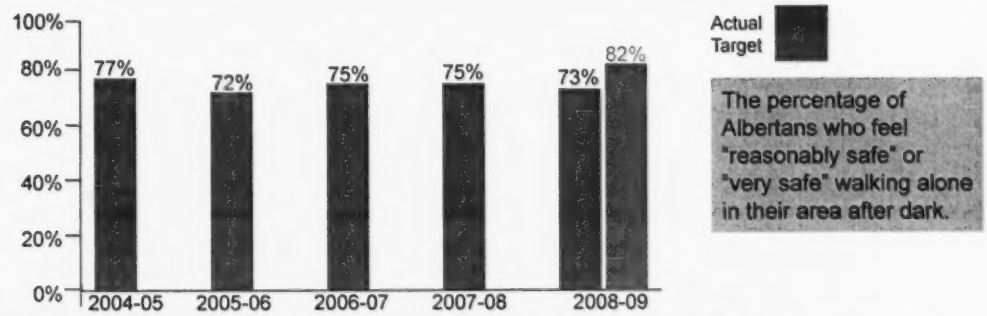
Performance Measure

Public Perception of Safety in the Neighbourhood

The results of the 2008-09 Solicitor General and Public Security and Justice public opinion surveys indicated that 73 per cent of Albertans felt safe walking alone in their area after dark. This is comparable to last year's result of 75 per cent and is short of this year's target of 82 per cent.

Public Perception of Safety in the Neighbourhood

Reviewed by Auditor General



Source: Alberta Justice 2009 Public Opinion Survey, Research Innovations Inc. and Alberta Solicitor General and Public Security 2009 Public Opinion Survey, Research Innovations Inc.

For methodology related to this measure see page 54.

Discussion and Analysis

Similar to safety in the home, safety in the neighbourhood measures the public's perception of the Ministry's success at achieving its goal of safe communities.

In 2008-09, 73 per cent of Albertans felt safe walking alone in their neighbourhood or area after dark, which is consistent with results achieved over the last four years. There was lower perceived safety among females, those in households with an annual income of less than

$30,000, those with high school education, respondents 65 years of age or older, single respondents and divorced, separated or widowed respondents, respondents in Calgary and Edmonton, respondents who have lived in Alberta for six to ten years (i.e., for a relatively short period of time compared to other subgroups), and victims of crime.

The survey conducted by Justice also asked respondents if they now felt safer, less safe, or if there was no difference in how safe they felt from crime in their community, when compared to how they felt one year ago. Most (61 per cent) said there was no difference in how safe they felt.

In general, perceptions of crime in the community are shaped by a number of factors including citizens' previous victimization experience, the experiences of friends and family, and media reports of crime. The victimization rate, as reported in the Alberta Justice 2009 Public Opinion Survey, has been declining over the past three years (25 per cent in 2006-07, 23 per cent in 2007-08, and 18 per cent in 2008-09). However, this downward trend has had no obvious positive impact on the public perception of safety in the neighbourhood. It is suspected that the heightened media exposure of high profile cases may have potentially influenced the result for this measure. Findings from this year's survey of Albertans conducted by Justice show that the media (i.e., television, radio and newspapers) is the main source of information regarding the justice system for 86 per cent of Albertans (including 69 per cent as the main source, and 17 per cent as an additional source). Word of mouth is the second most frequent source (38 per cent, including 12 per cent as the main source and 26 per cent as an additional source) and Internet websites are the third most frequent source (29 per cent, including seven per cent as the main source, and 22 per cent as an additional source).

Core Business Two: Courts

Goal Two: Promote a fair and accessible civil and criminal justice system

Justice is responsible for helping to resolve criminal and civil disputes through proper access to court resources and dispute resolution opportunities. These opportunities include alternatives to traditional court processes such as mediation, judicial dispute resolution and mini-trials. By offering more options and lowering costs, these alternatives can improve access to the justice system.

The following section highlights the Ministry's accomplishments related to the strategies identified under Goal Two in the 2008-11 Justice Business Plan.

2.1 Finalize the Justice Information Management System (JIMS) Initiative blueprint and multi-year implementation roadmap, and initiate streamlining, standardization and optimization of core business processes within the Ministry and courts.

- Work began on three quick-win projects as part of the JIMS initiative. The first, the Court Case Management Program, is moving forward as a judiciary-led initiative. The second is a new governance model for managing changes in the Ministry's technical applications. Over the next several years, this model will guide decisions arising from JIMS that affect the Justice Online Information Network system. Finally, the Universal Transcript Format project will allow the courts to implement a common transcript format for all three Courts in conjunction with a new software system for a consistent product.
- Benefits realization workshops were held to identify 60 outcomes and results that will be delivered through JIMS.
- Through numerous workshops, more than 200 harmonized process maps and supporting text were produced, and more than 800 opportunities for improvement collected. This information is used to develop high-level business cases to document the benefits, investments, targets, roadblocks and decisions that will direct the next phase of the JIMS initiative.

2.2 Prepare proposals for rationalization and modernization of Alberta succession statutes (laws dealing with the disposition of property upon death), with the goal that legal rules are consistent with current social values and also facilitate efficient handling of Albertans' estates.

- Public consultations commenced in March 2009. The goal of these consultations was to get Albertans' input on principles to guide the law and on options for specific legislative rules, such as which family members can claim for support from the estate of a deceased. Invitations were sent to over 100 public and technical stakeholder groups and individuals; random members of the public were recruited in March 2009; and face-to-face consultations are to start in April 2009. Over 100 issues were identified for legislation, and options for dealing with them were developed and analyzed; public and technical consultations occurred that focused on 22 of the issues raised.

2.3 Review and prepare recommendations for legislation, which are intended to promote early, effective and affordable resolution of civil disputes by removing concerns about the legal impact of an apology.

- Bill 30, The *Alberta Evidence Amendment Act* was introduced at the fall session and received Royal Assent on November 4, 2008. This Bill promotes early, effective and affordable resolution of civil disputes by removing concerns about the legal impact of an apology.

2.4 Explore with justice stakeholders the possibility of regulating and expanding the use of paralegals to determine if there would be a benefit to the Alberta public with a view to increasing access to justice and affordability.

- Collaboration with Justice stakeholders took place throughout the year which included:
  - » Following recent developments in Ontario regarding paralegals;
  - » Discussing support for a joint effort to examine paralegal regulation with the Law Society of Alberta;
  - » Reviewing Canadian case law; and,
  - » Working on a legal services mapping project with the Canadian Forum on Civil Justice.

2.5 Explore with justice stakeholders whether unbundled legal services would benefit the public in Alberta by increasing access to justice and affordability in resolving disputes.

- Considerable research was conducted on unbundling legal services in Canada, the United States, and internationally.
- Support for unbundling was built within the Courts, the Law Society, the Bar and other stakeholders.

2.6 In collaboration with the Courts, enhance alternative dispute resolution mechanisms to meet the needs of clients.

- Work began on a policy and procedure manual for the Provincial Court Civil Claims Mediation Program.
- The Civil Mediation Programs was testing Online Dispute Resolution (ODR) methods such as video-mediation and tele-mediation to expand delivery of mediation programs and services in remote areas. A pilot project to assess these methods was proposed. ODR has also been considered in the context of the policy framework being developed for resolution options in the justice system.
- A paper outlining ODR options for Court Services was completed and ODR issues were monitored through an online forum and information discussions with the Civil Law Branch and the Faculty of Law at the University of Alberta.
- Educational workshops on court annexed mediation for Justice lawyers and judiciary were held in June. As well, an electronic survey of additional stakeholders (specific lawyer groups, mediators, targeted public users and court clerks) was conducted in December.
- Work has begun to develop a framework for a court annexed dispute resolution program.

2.7 Based on evaluation, expand law information centres and implement recommendations to support self-represented litigants.

- Law Information Centres (LInC) were expanded with the opening of the Calgary LInC in January 2009. Calgary LInC assisted 61 clients who required 15 minutes or more of assistance and 944 clients who required less than 15 minutes of assistance in its first month, and these numbers increased to 77 (15 minutes or more) and 1,406 (less than 15 minutes) respectively in its second month of operation. Other LInCs are located in Edmonton, Red Deer and Grande Prairie.
- Collaboration with external stakeholders (the three courts, Canadian Bar Association, Legal Aid Alberta, Alberta Law Line, Law Society of Alberta, Canadian Forum on Civil Justice, Alberta Law Reform Institute, Native Counselling Services of Alberta and a number of non-government organizations) took place in 2008-09 to expand the Law Information Centres.

- An evaluation of the LInCs was completed to inform program improvement efforts and ensure that LInC service models meet the needs of self-represented litigants. Consultations conducted in response to the evaluation revealed opportunities and strategies for improvement. A *Data Collection and Performance Measurement Strategy* Report was being developed to support evidence-based decision making for service delivery.

2.8 Improve access to the court system for Aboriginal clients by responding to recommendations contained in the *MLA Review of the Aboriginal Court Worker Program* report and consulting with Aboriginal communities on provincial court services in Aboriginal communities.

- In collaboration with other government departments, Justice continued to work with First Nations leaders to establish Provincial Court circuit courts in their communities. These courts will ensure the presiding judge has a better understanding of the accused, their community and the programs and services available within that community. This will also help reduce the time needed to resolve criminal and family matters, will support community in denouncing and deterring criminal behaviour and enable Justice to implement Crime Reduction and Safe Communities Task Force recommendations.
- Justice, Infrastructure, and the four First Nations in Hobbema have reached an agreement for establishing a Provincial Court, Family Division circuit court and have signed a Memorandum of Understanding with the Blood Tribe First Nation to explore establishing a circuit court on the Blood Tribe First Nation at Stand Off, Alberta.

2.9 Make the court system more fair and accessible by rewriting the Alberta Rules of Court.

- Consultations were held with the Alberta Law Reform Institute and the Rules of Court Committee on the drafts of the Rules. Recommendations to revise the Rules of Court were provided to the Minister of Justice and Attorney General.
- The Family Law Rules Project Committee continued its review of the proposed new Rules of Court for impacts on family practice and to make recommendations for improved family law rules.
- Work continued on identifying training needs, changes to clerks' manuals, web-based material and IT changes to allow new Rules to be implemented.
- Bill 31, *Rules of Court Statutes Amendment Act*, 2009 was introduced (First Reading) March 16, 2009.

2.10 Enhance effectiveness of the Courts by implementing the results of an intensive review of Court Services' workforce.

- A Report of the Strategic Workforce Development Project was prepared. The report features a go-forward strategy to address workforce related issues.
- Over 200 Court Services staff received *On-boarding New Employees* training, which teaches effective strategies to attract, engage and retain employees. Tools and resources were made available to new employees through the Intranet site.
- A preliminary strategy and content framework was completed to advance the development of e-learning courses under the judicial clerk training initiative.

2.11 Cooperate with stakeholders to develop a model for a Mental Health Court (*Crime Reduction and Safe Communities Task Force* Report Recommendation 5).

- Work was undertaken with the Edmonton Mental Health Court Project Committee to develop a project charter, which recommends enhanced diversion services and future assessment for the need of a Mental Health Court. This charter has now been signed by the Deputies of Justice and Health and Wellness, as well as the Acting Executive Lead of the Safe Communities Secretariat.

PERFORMANCE MEASURE 2.a: Median Elapsed Time from First to Last Appearance

Performance Summary

The most current data available for this measure is for 2006-07. In 2006-07, Alberta's median elapsed time from first to last appearance in Provincial Court was 109 days compared to the national median of 122 days. The 2007-08 result is scheduled to be released by the Canadian Centre for Justice Statistics in the fall of 2009.

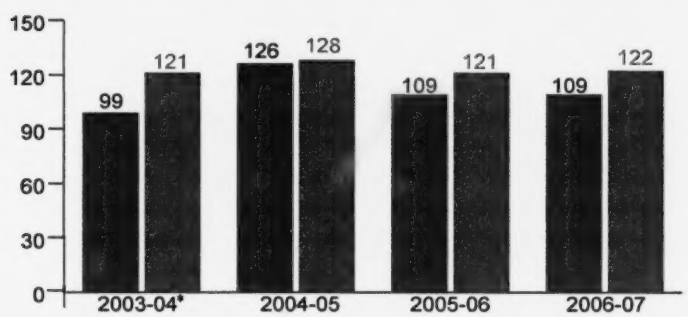
Performance Measure

Median Elapsed Time from First to Last Appearance

In 2006-07, the median elapsed time from first to last appearance was 109 days for Provincial Court. This is unchanged from the previous year's result. The Ministry met its target, which was to be below the Canadian median of 122 days.

Median Elapsed Time from First to Last Appearance

Reviewed by Auditor General



The median elapsed time in days that it takes to process a case in provincial criminal court from first to last appearance.

Source: Integrated Criminal Court Survey/Adult Criminal Court Survey, Canadian Centre for Justice Statistics

*The 2003-04 result was restated in 2007-08 due to a methodology change

For methodology related to this measure see page 54.

Discussion and Analysis

The Ministry must ensure that Albertans are provided with access to the courts in a reasonable amount of time. Median elapsed time from first to last appearance represents the midpoint in the time elapsed between the first and last appearance for all cases processed in Provincial Court.

In 2006-07, there were 51,144 disposed cases. This was an increase of 1.2 per cent from the 50,527 disposed cases in 2005-06.

PERFORMANCE MEASURE 2.b: Provincial Court Civil Mediation Settlement Rate

Performance Summary

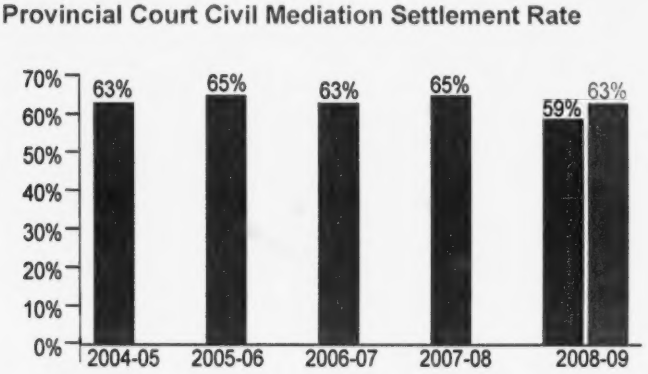
In 2008-09 the civil mediation settlement rate was 59 per cent.

Performance Measure

Provincial Court Civil Mediation Settlement Rate

In 2008-09, Alberta's Provincial Court civil mediation settlement rate was 59 per cent. This represented a decrease of six percentage points from the 65 per cent achieved in 2007-08. The target for this measure was 63 per cent, which was not achieved this year.

Provincial Court Civil Mediation Settlement Rate



*Note: Grande Prairie and Red Deer programs were instituted in 2007-08. Results of these programs were not included in years prior to 2007-08.

Source: Administrative Data, Court Services Division

The mediation settlement rate is the number of civil actions settled through mediation in the Civil Claims Program divided by the total number of civil claims settled or not settled through such mediation. This is a blended settlement rate of Calgary, Edmonton, Grande Prairie, Lethbridge, Medicine Hat, and Red Deer.*

For methodology related to this measure see page 55.

Discussion and Analysis

The Ministry collects and analyzes data for the Provincial Court civil mediation settlement rate. The Provincial Court Civil Mediation Program aims to increase the number of civil cases resolved through mediation and reduce the number of civil cases that proceed to court. The result is calculated as the number of civil actions settled through mediation in the civil claims program divided by the total number of civil claims settled or not settled through such mediation.

In 2008-09, Calgary's Provincial Court civil mediation settlement rate was 59 per cent, Edmonton's rate was 59 per cent, Grande Prairie's rate was 67 per cent, Lethbridge's rate was 63 per cent, Medicine Hat's rate was 44 per cent and Red Deer's rate was 58 per cent.

The decrease in this year's results was likely due to the recent economic downturn, which resulted in a decrease in people's confidence in the amount they could afford or give up. Specifically, plaintiffs did not feel comfortable reaching a settlement for less than what they asked for. On the other hand, defendants, even when debt was acknowledged, did not feel they could afford to pay. The program will continue its efforts to ensure a smooth mediation process and a high mediation settlement rate.

Core Business Three: Justice Services to Albertans

Goal Three: Provide access to justice services for Albertans in need.

Through its programs and services, the Ministry provides support and protection to vulnerable citizens, families who depend on court-ordered maintenance payments, individuals unable to protect their financial interests, and individuals who cannot afford legal counsel. Helping those in need is essential to Alberta's success.

The following section highlights the Ministry's accomplishments related to the strategies identified under Goal Three in the 2008-11 Justice Business Plan.

3.1 Implement further initiatives to increase the regularity of maintenance payments.

- To encourage compliance by fully utilizing all options under the *Maintenance Enforcement Act*, a process has been established for referring files returned without a Statement of Finances. Debtors are being served with documents in accordance with the process and files are being referred to the newly hired prosecutor to address.
- Additional staff were recruited for a specialized unit to assist debtors in retaining good payor status by contacting debtors promptly upon default.
- As of October 1, 2008, service charges and interest on late payments were implemented to help ensure compliance and regularity of maintenance payments.

3.2 Establish a Child Support Recalculation Program to recalculate eligible child support orders annually, based on changes in the parents' income.

- Bill 15, the *Family Law Amendment Act*, 2008 was passed in the fall session. A further amendment, Bill 29 received first reading on March 16, 2009. The amendments to the *Family Law Act* that passed in the last session (Bill 15) established the Child Support Recalculation Program.
- A new way of calculating child support will make it easier and more affordable for separated parents to stay current on child support payments, while ensuring children receive the best support parents can offer.
- This program, targeted to commence in December 2009, will annually recalculate child support orders based on changes in the parents' income, without having to go to court to have their support order adjusted. This will save time, money and emotional stress. The program will be province-wide and established by the *Family Law Act*.

3.3 Increase funding for legal aid to maintain and improve access to justice for Albertans in need.

- The grant to Legal Aid Alberta (LAA) increased from $45.3 million in 2007-08 to $53.8 million in 2008-09. This increase allowed for the notional hourly tariff to be increased to $84 and the staff budget increased to allow the hiring of more staff.
- As a result of increased funding, LAA implemented new financial eligibility guidelines to use net income as a basis for determining financial eligibility and increasing the qualifying income to allow coverage for more Albertans.
- Increased funding also provided LAA the opportunity to make improvements to its technology to allow online client services and online billing.

3.4 Work with Seniors and Community Supports to implement the revised *Dependent Adults Act*, if enacted.

- Bill 24, the *Adult Guardianship and Trusteeship Act* was introduced in the Spring 2008 session, passed through the Legislative Assembly and received Royal Assent December 2, 2008. It is expected to be proclaimed in 2009-10.
- Work is underway to draft instructions to Legislative Counsel regarding regulations necessary to implement the trusteeship related provisions of the new Act.

3.5 Complete the trial project of administering Canada Pension Plan Disability (CPPD) benefits for vulnerable Albertans who have no one else to help them.

- The project is intended to evaluate whether the successful strategy used by the Assured Income for the Severely Handicapped Benefits Administration Program can be equally beneficial for people receiving CPPD benefits. A Steering Committee was established to develop the project, participants were solicited and a draft report produced. The trial project is complete.
- The final evaluation report has been distributed to all partners.

PERFORMANCE MEASURE 3.a: Client Satisfaction with the Services of the Public Trustee's Office

Performance Summary

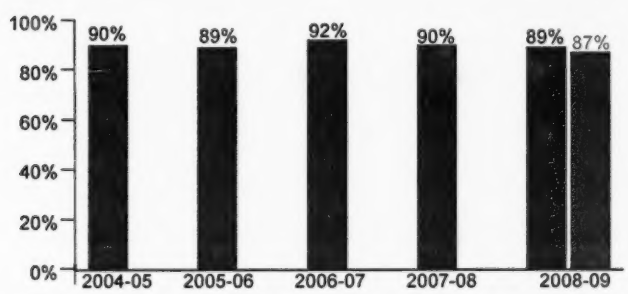
The majority of clients were satisfied with the services provided by the Office of the Public Trustee (OPT).

Performance Measure

Client Satisfaction with the Services of the Public Trustee's Office

In 2008-09, the satisfaction rate of those clients responding to the survey was 89 per cent. This is a decrease of one percentage point from the result achieved last year. It exceeded this year's target of 87 per cent.

Client Satisfaction with the Services of the Public Trustee's Office



The percentage of clients "satisfied" to "very satisfied" with the services of the Office of the Public Trustee.

Source: Client Satisfaction Survey, Office of the Public Trustee

For methodology related to this measure see page 55.

Discussion and Analysis

The OPT provides estate and trust administration services to disadvantaged Albertans. This measure is used to monitor how well the Public Trustee provides its services and to indicate access to justice services for persons in need.

The measure is calculated as a composite of responses to various questions relating to satisfaction with responsiveness and quality of services provided. It is used to improve services to clients and to establish policies and procedures where deficiencies are noted.

The decline in client satisfaction in 2008-09 is likely due to the fact that the interest rate that the OPT pays on clients' accounts was reduced twice in the last six months of 2008-09 in response to changing economic times. In addition, the OPT experienced a high rate of staff turnover during 2008-09. The unique nature of the services provided by the OPT requires extensive training for trust administration staff. As a result, the staff turnover had an effect on the OPT's client satisfaction rating. The OPT will continue its efforts to maintain satisfactory client services.

More information on the activities of the OPT is available in the program's annual report, which can be obtained from the OPT. Contact information for the OPT can be found on the Justice web site at: http://www.justice.gov.ab.ca/public_trustee/contact.aspx.

PERFORMANCE MEASURE 3.b: Maintenance Enforcement Program: Regularity of Payment Rate

Performance Summary

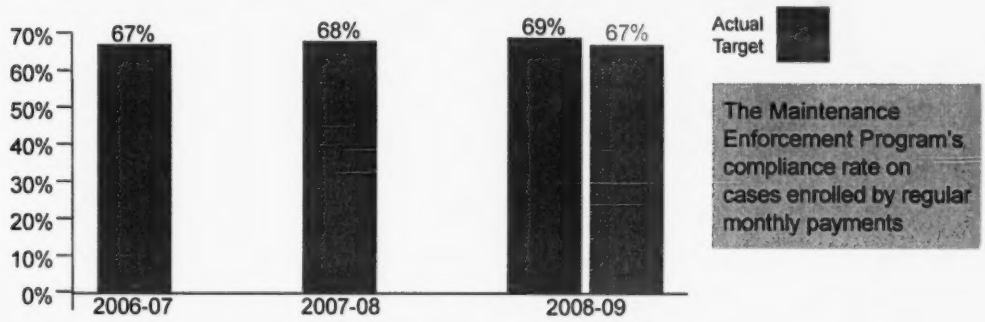
The Maintenance Enforcement Program achieved a 69 per cent payment regularity rate on scheduled support and scheduled arrears payments.

Performance Measure

Maintenance Enforcement Program: Regularity of Payment Rate

In 2008-09, the Maintenance Enforcement Program achieved a 69 per cent regularity of payment rate. This represented an increase from the 68 per cent achieved in 2007-08 and exceeded this year's target of 67 per cent.

Maintenance Enforcement Program: Regularity of Payment Rate



Source: Maintenance Enforcement Program

For methodology related to this measure see page 55.

Discussion and Analysis

The Maintenance Enforcement Program (MEP) collects support payments pursuant to court orders and agreements. The program places emphasis on client service, administrative fairness and staff training to assist with voluntary compliance, and, when needed, negotiates settlement of delinquent accounts. This measure examines the success of the program at collecting payments in the months that payments are due. The result shows the amount of regular maintenance collected as a percentage of the regular maintenance due. In 2008-09, MEP collected 69 per cent of regular maintenance due. Results in the past three years demonstrate a slight upward trend.

Concerted efforts were put into ensuring support payments were paid as they were due. Hiring additional Collection Officers, targeted strategies to improve regularity of payment, implementation of interest charges, and a strong provincial economy through the first half of the fiscal year all contributed to exceeding the target. Currently, MEP relies on a full slate of enforcement actions, utilized in accordance with a collection progression. As the default on a file becomes more serious, so do the enforcement actions. These enforcement actions include: a writ filed at the Personal Property Registry, Registration Against Real Property, Wage Support

Deduction Notice, Non-wage Support Deduction Notice, Federal Support Deduction Notice, Credit Bureau Reporting, Motor Vehicle Restrictions, Driver's Licence Cancellations, Recreational Hunting and Fishing Licence Restrictions, Federal Licence Denial, Financial Examination Hearing, Default Hearing, and Asset Seizure.

Default penalties and interest charges are applied to files when payments are not made in full and on time. Debtors with outstanding arrears are encouraged to make payment arrangements to avoid enforcement action, penalties and interest. Some areas of MEP operate during extended hours so that staff are available when it is convenient for clients to discuss their files. A southern Alberta office dedicated to financial examinations and investigations has been opened. Efforts are focused on increasing personal contact between staff and clients.

PERFORMANCE MEASURE 3.c: Client Satisfaction with Legal Aid Services

Performance Summary

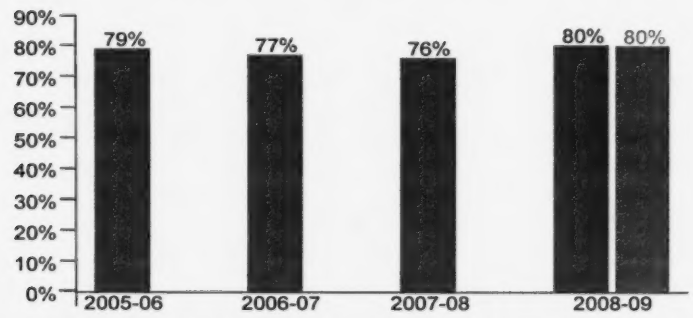
The majority of applicants indicated that they were "very satisfied" or "satisfied" with the services they received from Legal Aid Alberta.

Performance Measure

Client Satisfaction with Legal Aid Services

In 2008-09, 80 per cent of respondents were either "very satisfied" or "satisfied" with the services they received from Legal Aid Alberta. This represented a four percentage point increase compared to last year's result and met the target of 80 per cent.

Client Satisfaction with Legal Aid Services



The percentage of respondents who were either "satisfied" or "very satisfied" with the service they received from Legal Aid Alberta (for all the services received through legal aid).

Source: Client Satisfaction Survey, Legal Aid Alberta

For methodology related to this measure see page 56.

Discussion and Analysis

Respondents were asked to indicate their level of satisfaction with all of the services received through legal aid, including the application and billing process and the legal services provided by their lawyer. Of the eighty per cent of respondents who were satisfied with the services provided, 42 per cent were "very satisfied" and 38 per cent were "satisfied".

Previous results indicated a slight decrease since 2005-06, yet the 2008-09 result represented a four percentage point increase compared to last year. Recipients of legal aid expressed a higher level of satisfaction (87 per cent) compared to non-recipients who applied (51 per cent).

In addition to being asked about their overall satisfaction with legal aid services, respondents were also asked about their satisfaction with the service they received from their legal aid lawyer. Seventy-three per cent were "satisfied" or "very satisfied" with the service they received from their legal aid lawyer.

PERFORMANCE MEASURE 3.d: Motor Vehicle Accident Recoveries Program: Enforcement Progress*

Performance Summary

This measure monitors the Motor Vehicle Accident Recoveries program's enforcement efforts and progress on repayments made by at-fault uninsured motorists compared to payments the program made to victims. In 2008-09, the amount of repayments made by at-fault motorist was 62 per cent of the amount paid out to victims in the same year on behalf of known uninsured defendants that caused the accidents.

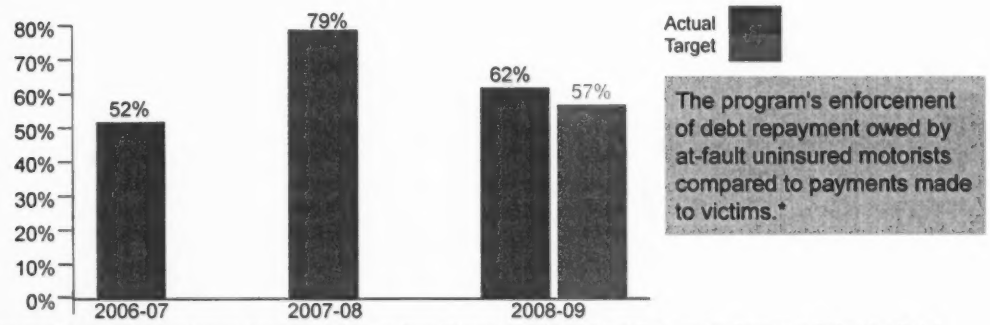
Performance Measure

Motor Vehicle Accident Recoveries Program: Enforcement Progress*

In 2008-09, the amount of repayments made by at-fault motorists was 62 per cent of the amount that was paid out to victims. This represented a 17 per cent decrease from last year's result of 79 per cent. This result still exceeded the target of 57 per cent.

Motor Vehicle Accident Recoveries Program: Enforcement Progress*

Reviewed by Auditor General



*Note: The title of the measure has been adjusted from "Motor Vehicle Accident Recoveries Program: Collection Rate" to "Motor Vehicle Accident Recoveries Program: Enforcement Progress". The description of the measure has also been adjusted from "the program's collection rate on debts owed by uninsured motorists" to "the program's enforcement of debt repayment owed by at-fault uninsured motorists compared to payments made to victims". This is to clarify the intensions of the measure to monitor the Ministry's enforcement efforts and progress on debt repayments made by at-fault motorist compared to payments made to victims. This adjustment will be reflected in the 2010-13 Justice Business Plan as appropriate.

Source: IMAGIS Accounting System and Motor Vehicle Accident Claims Administrative Data

For methodology related to this measure see page 56.

Discussion and Analysis

Under the *Motor Vehicle Accident Claims Act*, the Ministry compensates victims of motor vehicle accidents for their personal injuries where the at-fault motorists are either uninsured or unknown. In most situations, these victims would have no other means of seeking compensation were it not for the Ministry's Motor Vehicle Accident Claims' victim compensation program. In cases where the at-fault motorist is known and uninsured, once the civil lawsuit is settled that person becomes a debtor to the government for the money paid out to the victim. It is the role of the Ministry to ensure that the at-fault motorist repays the judgment debt.

The program focuses on enforcing repayments of debts owed by at-fault motorists, i.e., uninsured motorists, over a period of time, and compensating victims of uninsured motor vehicle accidents. This measure demonstrates the program's achievements in both areas and conveys the message to Albertans that there are significant consequences to driving without insurance. This measure helps the program area monitor their efforts and progress in getting this message across to people that would otherwise drive without insurance.

To measure the programs enforcement efforts, the performance measure tracks the amount of repayment received by debtors in a fiscal year as a percentage of the amount of money paid out to victims in that same year. Victim compensation and debt repayment amounts used to calculate the measure may not necessarily correspond to the same case due to timing differences. Debt repayments by at-fault motorists are typically made over a number of years whereas victims are compensated in full after a judgement is entered. For example, the repayment an at-fault motorist made towards their debt in 2007-08 could be for an accident that went to trial with a judgement entered in 2003-04, at which time the victim was compensated. Since repayments are typically made over a period of time Albertans have a vested interest in knowing that, not only are there enforcement initiatives to ensure their interests are protected, but also that the at-fault motorist is made to pay for the injuries and other damages caused to the victim.

The significant increase in results from 52 per cent in 2006-07 to 79 per cent in 2007-08 can be attributed to a combination of efforts including alternative payment techniques made accessible to clients, better overall enforcement, and fewer people driving without insurance due to heightened awareness of consequences. Other factors that might have contributed to the positive results included better road conditions, milder winters, safer vehicles and the strong provincial economy in 2007-08. The economic downturn that started in 2008-09 is suspected to have impacted debtors' ability to make regular monthly payments due to factors such as job loss, reduced hours of employment, significant drops in property values that have reduced equity financing available for lump-sum repayments, as well as general increases in the cost of living. This impact is reflected in the decrease in the 2008-09 result. The program is positioned to continue its efforts in making alternative payment methods available to ensure ease of payment for debtors and, at the same time, enforce repayments of debts owed by uninsured motorists.

Goal Four: Improve understanding of and confidence in the justice system

Albertans recognize that information and education about the justice system is important. Perceptions of crime in their communities and the province, along with the information they receive from the media, affect their understanding of and confidence in the justice system. The Ministry will continue to work with partners to find better ways of informing Albertans about the justice system, including the development of new strategies and working with Education and other stakeholders to develop justice education resources for Alberta classrooms.

The following section highlights the Ministry's accomplishments related to the strategies identified under Goal Four in the 2008-11 Justice Business Plan.

4.1 Develop a stakeholder relations plan, along with the processes to engage them.

- The project charter was completed and work has begun on a draft plan.

4.2 Initiate and maintain partnerships with stakeholders including the Justice Policy Advisory Committee (JPAC) to identify information gaps that may affect public confidence, and to determine potential research opportunities and effective justice education strategies.

- The JPAC Research Working Group developed a report recommending six research priorities, which were presented at the January 26, 2009, JPAC Collaboration Forum.

4.3 Work with Education and other stakeholders to:

- Develop justice resources for Alberta social studies classes;
- Add a review process of the Grade 3 Alberta's Justice System in Your Community on-line resource;
- Continue presentations in schools and other venues to raise awareness of child sexual exploitation and Internet luring;
- Make education materials easily accessible to the public;

- A Grade 6 resource was developed, implemented and made available online, while the Grade 3 resource review process was developed and will be implemented in 2009-10; and
- Twenty presentations were provided to 150 adults (parents, probation officers, prosecutors) and almost 650 junior and senior high school students on child sexual exploitation and Internet luring.

4.4 Develop a public awareness campaign, in accordance with the cross-government crime reduction strategy, that highlights government efforts to build safe communities, and educates communities and Albertans about ways to keep their communities and residents safe.

- Numerous news releases, speaking engagements, presentations and events kept the government's commitment to safe and secure communities in the forefront. Partnering ministries, as well as MLAs, were provided with materials for use in their speaking notes and new releases.
- A major media event, attended by The Honourable Ed Stelmach, Premier and 72 MLAs to celebrate the one year anniversary of Alberta's Safe Communities Initiative, was held at Government House on November 6, 2008. A news release which highlighted the activities achieved was prepared.
- A Question Period was devoted entirely to the Safe Communities Initiative with questions prepared showcasing the accomplishments.

4.5 Enhance awareness and utilization of Justice Education Speakers Centre.

- The Speakers Centre delivered eight presentations upon request.
- Group discussions between the JPAC Law Related Education Working Group, the Alberta School Boards and Edmonton Public Schools are ongoing to find ways to advertise and raise awareness of the Speakers Centre service to teachers.

4.6 Continue to participate, support and promote the Ministry on the Federal/Provincial/Territorial Working Group on Public Confidence.

- There was no communication from the federal government in regard to this Federal/Territorial/Provincial group, and therefore no further work was required.

PERFORMANCE MEASURE 4.a: Public Understanding of the Justice System

Performance Summary

The majority of Albertans (70 per cent) agreed that they had a good understanding of the justice system in Alberta. Subgroups of Albertans who reported better understanding than others included respondents who have lived in Alberta for 41-50 years, those living in households with an annual income of less than $60,000, and those living in Edmonton.

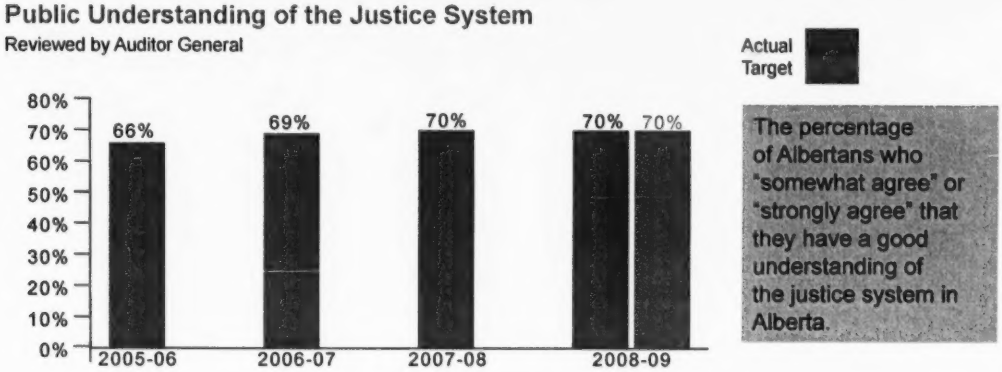
Performance Measure

Public Understanding of the Justice System

The results of the Alberta Justice 2009 Public Opinion Survey indicated that 70 per cent of Albertans agreed that they had a good understanding of the justice system in Alberta. Fifteen per cent "strongly agreed" and 55 per cent "somewhat agreed". This is the same as last year's result and met the target of 70 per cent.

Public Understanding of the Justice System

Reviewed by Auditor General



Source: Alberta Justice 2009 Public Opinion Survey, Research Innovations Inc.

For methodology related to this measure see page 56.

Discussion and Analysis

If Albertans are to have the ability to access the justice system and the services it provides, they must have some understanding of the system. The results of the public opinion survey assist the Ministry in determining the extent to which Albertans agree that they have a good understanding of the justice system.

The results of this measure demonstrated an upward trend from 66 per cent in 2005-06 to 70 per cent in 2008-09, which reflected the Ministry's efforts in achieving its goal to improve public understanding of the justice system. Subgroups of Albertans who reported a lower level of understanding included those who had lived in Alberta for six to ten years, those living in rural areas of southern Alberta, those who had lived in their current home for two years or less, and females.

Most people do not learn about the justice system through direct experience. This year's Justice Public Opinion Survey findings show that public understanding of the justice system is gained mostly from the media such as television, radio and newspapers, or word of mouth from relatives, friends, colleagues or acquaintances. Internet websites were the third most frequent source of information. The information provided by these sources tends to be either incomplete or misleading and this contributes to public misconceptions about the justice system. The majority of Albertans (75 per cent) are interested in learning more about the various programs and services the Ministry provides.

PERFORMANCE MEASURE 4.b: Public Confidence in the Justice System

Performance Summary

The majority of Albertans (76 per cent) have confidence in the justice system. Albertans who had lived in Alberta for five years or less had the highest confidence among all subgroups of Albertans. Other subgroups with higher confidence than the others included those in households earning less than $30,000 per year, those living in smaller cities in southern Alberta, and those with university education.

Performance Measure

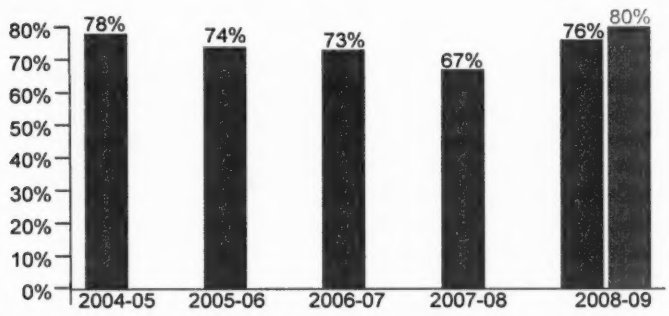
Public Confidence in the Justice System

The results of the Alberta Justice 2009 Public Opinion Survey indicated that 76 per cent* of Albertans said that they had confidence in the justice system in Alberta. Eighteen per cent had "a lot of confidence" and 57 per cent had "some confidence" in the justice system. This is up from 67 per cent in 2007-08 and short of the target of 80 per cent by four percentage points.

* This is the actual percentage of respondents who mentioned both categories. When adding the percentages for two related categories, the total may differ by one percent from the actual percentage who mentioned both categories.

Public Confidence in the Justice System

Reviewed by Auditor General



The percentage of Albertans who feel "some confidence" to "a lot of confidence" in the justice system in Alberta.

Source: Alberta Justice 2009 Public Opinion Survey, Research Innovations Inc.

For methodology related to this measure see page 56.

Discussion and Analysis

In addition to having an understanding of the justice system, it is also important that Albertans have confidence in the justice system. The results of the public opinion survey aid the Ministry in determining the extent to which Albertans have confidence in the justice system.

Although confidence in the justice system declined each year from 2004-05 to 2007-08, there was a dramatic increase of nine percentage points in confidence from 2007-08 to 2008-09. Public confidence is often related to a variety of factors including the respondent's gender, age, level of education, previous contact with the criminal justice system, history of victimization, and satisfaction with personal safety. People who are more fearful of crime tend to have less confidence in the justice system as a whole. Heightened media exposure of high profile cases may also have an impact on confidence. The Safe Communities Initiative has received a lot of media attention in recent months. This heightened exposure may be working to improve public confidence in the justice system.

This year's survey indicates that subgroups of Albertans who reported substantially lower overall confidence in the justice system included those who did not feel safe in their homes after dark, those who were victims of crime in the past 12 months, those who had lived in Alberta for 51 years or more, those who completed high school as their highest education level, and those living in smaller cities in northern Alberta.

Core Business Four: Legal and Strategic Services to Government

Goal Five: Assist government ministries to achieve their objectives through the provision of effective legal and related strategic services

The government performs a number of roles as service provider, community partner, and lawmaker. These roles involve relationships with individuals, families, communities, and other governments. Effective legal services reduce the potential for conflict involving the government, as well as protecting and advancing the interests of the government. By providing effective legal and related strategic services, Justice can assist other ministries in achieving their corporate goals and strategic priorities.

The following section highlights the Ministry's accomplishments related to the strategies identified under Goal Five in the 2008-11 Justice Business Plan.

5.1 Provide legal and related strategic advice to the Deputy and Assistant Deputy Minister committees in relation to Aboriginal self-government and the regulatory framework for economic activities on reserves.

- Negotiations continued in relation to the Blood Tribe First Nation this fiscal year.
- Work commenced to ensure the Ministry is positioned to participate in negotiations with the Treaty 8 First Nations on an exploratory basis.
- The Self-Governance Negotiating Framework was developed to provide parameters and conditions to guide Cabinet officials in self-governance discussions. This framework received Cabinet approval.

5.2 Provide legal and related strategic advice on the following government priorities:

- » Develop a new Environment and Resource Management Regulatory Framework to enable sustainable development by addressing the cumulative effects of development on the environment.
- » Support the Alberta Government pandemic preparedness initiatives including legislative amendments and implementation of the *Pandemic Response Statutes Amendment Act*, 2007.
- » Finalize the Aboriginal consultation strategy.
- » Finalize the long-term governance and funding arrangements with the Métis Settlements.

- The *Alberta Land Stewardship Act* will be introduced (for first reading) in the Legislature in April 2009.
- Draft regulations for the *Pandemic Response Statutes Amendment Act* were prepared.
- The Federal/Provincial/Territorial pandemic Memorandum of Understanding was reviewed with comments provided to the Ontario Government.
- A draft Ministerial Report on Métis Consultation Policy was prepared for discussion by the Minister of Justice and Attorney General and the Minister of Aboriginal Justice.
- Advice was provided on a three-year agreement with Métis Settlements, which was signed on September 18, 2008.

5.3 Increase capacity to deal with complex legal issues such as public-private partnerships (P3s), Aboriginal litigation, and the British Columbia-Alberta Trade, Investment, and Labour Mobility Agreement (TILMA).

- Three new lawyers were hired to the Aboriginal Law Team and three lawyers recruited to P3 positions.
- Cross training of several lawyers on the Central Services Team began to ensure they are well versed on TILMA.

PERFORMANCE MEASURE 5.a: Client Satisfaction with Legal Services

Performance Summary

The vast majority of client ministries (91 per cent) were satisfied with the legal services provided by Justice.

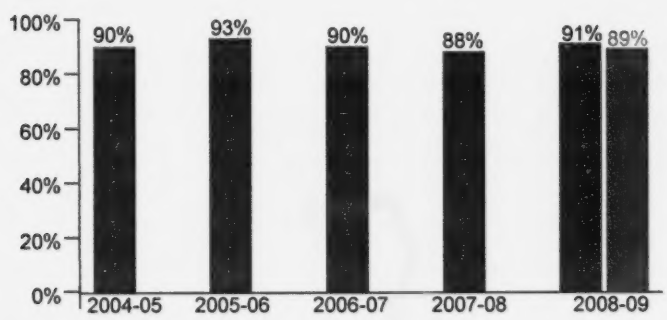
Performance Measure

Client Satisfaction with Legal Services

In 2008-09, 91 per cent of clients surveyed responded that they were "satisfied" or "very satisfied" with the legal services provided by Legal Services Division, Civil Law. This represented a three percentage point increase from the result achieved last year (88 per cent) and exceeded the target of 89 per cent.

Client Satisfaction with Legal Services

Reviewed by Auditor General



The percentage of client ministries "satisfied" or "very satisfied" with the legal services provided by the Legal Services Division, Civil Law.

Source: Client Satisfaction Survey, Legal Services Division

For methodology related to this measure see page 57.

Discussion and Analysis

The results of the survey assist Justice in assessing success in delivering effective legal services to government.

Ninety-one per cent of clients surveyed responded that they were either "satisfied" or "very satisfied" with the legal services provided. On a more detailed level, client satisfaction ranged between 77 per cent and 96 per cent on various areas ranging from responsiveness, practicality of advice, thoroughness and courtesy.

This year's increase in satisfaction may be a result of increased capacity for dealing with complex legal issues. During 2008-09, Civil Law was active in recruiting to those areas where client demands for legal services increased dramatically, such as Aboriginal Litigation and Public Private Partnerships.

PERFORMANCE MEASURE 5.b: Client Satisfaction with Assistance in Meeting Corporate Goals

Performance Summary

The vast majority of client ministries (89 per cent) were satisfied that the legal services provided by Justice helped them achieve their department's corporate goals.

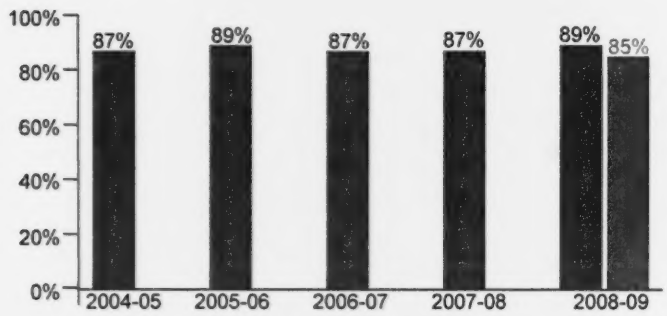
Performance Measure

Client Satisfaction with Assistance in Meeting Corporate Goals

In 2008-09, 89 per cent of clients surveyed responded that they were "satisfied" or "very satisfied" with the assistance provided by the Legal Services Division, Civil Law in meeting corporate goals. This represented a two percentage point increase from the previous year's result and exceeded this year's target of 85 per cent by four percentage points.

Client Satisfaction with Assistance in Meeting Corporate Goals

Reviewed by Auditor General



The percentage of client ministries "satisfied" or "very satisfied" that the legal services provided by the Legal Services Division, Civil Law helped them achieve their Department's corporate goals

Source: Client Satisfaction Survey, Legal Services Division

For methodology related to this measure see page 57.

Discussion and Analysis

By providing effective legal and related strategic services, Justice assists other ministries in achieving their objectives. As part of the ongoing process to ensure that the Legal Services Division of Justice continues to provide effective and strategic legal services, the Ministry conducts an annual client satisfaction survey. The questionnaire provides clients with the opportunity to rate their level of satisfaction with the legal services they have received. This year's result is comparable to last year's. The slight increase of two percentage points may be a result of increased capacity for dealing with complex legal issues. During 2008-09, Civil Law was active in recruiting to those areas where client demands for legal services increased dramatically such as Aboriginal Litigation and Public Private Partnerships.

Methodology

Goal One – Promote safe communities in Alberta

Performance Measure 1.a: Public Perception of Safety in the Home

A public opinion telephone survey has been conducted on an annual basis on behalf of Justice and Solicitor General and Public Security since 1996. Historically, a joint survey has been conducted by the ministries, but in 2009, the two ministries conducted public opinion surveys independent of one another. The survey questions used to measure public perception of safety in the home and in the neighbhourhood were asked in both ministries' surveys. Justice used a sample size of 750 (as has been used in the past), while Solicitor General and Public Security used a sample size of 1,200. The two samples were mutually exclusive, i.e., no respondents completed the survey more than once. The sample size for this question, therefore, was 1,950 when the results of both surveys were combined.

Beginning in March 2009, professionally trained interviewers conducted all interviews from a central telephone facility. The surveys were completed on a computer-assisted telephone interviewing system that allows for ongoing tabulation of results. Ten per cent of all interviews were monitored online. To survey a random and representative sample of adult Albertans, quotas were established based on 2006 Census data from Statistics Canada. In each of six geographic regions of the province, the number of interviews in each age-gender segment was proportionate to their 2006 population estimates. Results from the two surveys combined are reliable to within ±2.2 per cent, at the 95 per cent confidence level.

Performance Measure 1.b: Public Perception of Safety in the Neighbourhood

As described under Performance Measure 1.a: Public Perception of Safety in the Home.

Goal Two – Promote a fair and accessible civil and criminal justice system

Performance Measure 2.a: Median Elapsed Time from First to Last Appearance

Median elapsed time from first to last appearance represents the mid-point in elapsed time between first and last appearance for all cases processed in Provincial Court.

Performance data for median elapsed time from first to last appearance is obtained from the Adult Criminal Court Survey (ACCS), Canadian Centre for Justice Statistics (CCJS). The Ministry provides annual data from the Justice Online Information Network to CCJS' Integrated Criminal Court Survey (ICCS), which collects data for both the ACCS and the Youth Court Survey, through an automated interface, thus eliminating the need for two interfaces. At CCJS, the data are edited, verified and signed off with the Ministry. In 2006-07, adult criminal courts in all provinces and territories reported provincial court data to the ICCS/ACCS. In addition, all jurisdictions (with the exception of Quebec, Ontario, Manitoba and Saskatchewan) reported superior court data to the survey. Some limitations on coverage of the surveys should be noted. Data from the Northwest Territories is not available for 2002-03 or 2003-04. Manitoba began reporting to the survey in 2005-06. Information from Quebec's municipal courts (which account for approximately one-quarter of *Criminal Code* charges in that province) is not yet collected.

The primary unit of analysis for this measure is the "person-case". In 2007-08, the concept of a case changed to more closely reflect court processing. The new definition combines all charges against the same person having overlapping court dates into a single case. The previous definition combined all charges against the same person disposed of in court on the same day into a case. This tended to undercount the number of charges in a case, overcount the number of cases, and underestimate the length of time required to process a case through court because not all charges necessarily disposed of on the same day. As a result, the 2003-04 result was restated in the 2007-08 annual report. The 2004-05, 2005-06 and 2006-07 results were released for the first time in 2007-08 using the new definition, therefore restatement was not necessary.

Performance Measure 2.b: Provincial Court Civil Mediation Settlement Rate

The settlement rate is a percentage of all scheduled cases resolved. It is calculated as the number of civil actions settled through mediation in the civil claims program, divided by the total number of civil claims settled or not settled through such mediation. This is a blended rate for Calgary, Edmonton, Grande Prairie, Lethbridge, Medicine Hat, and Red Deer. Every month, mediation coordinators count the successful and unsuccessful mediations and enter them in a spreadsheet to arrive at a total number of claims and a settlement rate. The spreadsheets are sent to staff in the Strategic Initiatives Branch (Court Services Division, Justice), who then enter the successful and unsuccessful mediations into a Microsoft Access database.

Goal Three – Provide access to justice services for Albertans in need

Performance Measure 3.a: Client Satisfaction with the Services of the Public Trustee's Office

Client satisfaction with the services of the Office of the Public Trustee is assessed using internally conducted client satisfaction surveys. Survey forms are sent to beneficiaries and minors after completion of administration and following payments of the beneficial interest distribution. Surveys are also sent to business partners, primary contact persons, parents and guardians of minors, and guardians of dependent adults. During 2008-09, 3,186 surveys were sent to beneficiaries of estates, minors on achieving majority, parents and guardians of minors, primary contact persons, guardians of dependent adults and business partners. Eight hundred and twenty surveys were returned, indicating a response rate of 26 per cent. The overall satisfaction rating is generated by using the results of the entire survey rather than using one question as the satisfaction rating.

Performance Measure 3.b: Maintenance Enforcement Program: Regularity of Payment Rate

Terms of court orders are entered into the automated Maintenance Information Management System (MIMS). Support payments that are due each month are then calculated by MIMS. Payments received are also entered into the system and calculated by MIMS monthly. This measure shows the amount of regular maintenance collected as a percentage of the regular maintenance due. The result is calculated on a monthly basis by dividing the amount of regular maintenance collected in a month by the amount of regular maintenance due in that month. The result is presented monthly to program management as an administrative tool and aggregated into an annual figure to provide the result for the year. The annual result is an average of the monthly results.

Performance Measure 3.c: Client Satisfaction with Legal Aid Services

To gather opinions on legal aid services, Legal Aid Alberta (LAA) conducted a telephone survey with legal aid applicants. Legal aid officers informed applicants about the survey during the interview process and recorded their consent to being contacted for the survey. Only those applicants who gave their consent were contacted by Prairie Research Associates Inc. (PRA), an independent external consultant. In consultation with staff at LAA, PRA developed a survey questionnaire. To enable a comparison of selected survey results over time, the questionnaire contains many questions that are either identical or similar to the questions from the 2007-08 survey.

By March 31, 2009, PRA had completed the telephone survey with 383 legal aid applicants. Of these applicants, 292 received legal aid, 82 were denied coverage, and nine could not report on the status of their legal aid application.[1]

For applicants under the age of 16, a parent or guardian was asked to participate in the survey on their behalf. The response rate for the survey was 53 per cent.

[1] These applicants did not know whether a decision had been made regarding their application.

Performance Measure 3.d: Motor Vehicle Accident Recoveries Program

This measure monitors the Ministry's efforts and progress on enforcing repayments of debts by at-fault motorists compared to payments made to victims. It is calculated as a percentage by dividing the amount of repayments at-fault motorists made by the amount of compensation paid to victims in the same year. In 2007-08, the debt repaid by at-fault uninsured motorists was $7,925,705 and the amount paid to victims was $10,012,772. In 2008-09, the debt repaid by at-fault uninsured motorists was $6,696,309 and the amount paid to victims was $10,803,926.

Goal 4 – Improve understanding of and confidence in the justice system

Performance Measure 4.a: Public Understanding of the Justice System

A public opinion telephone survey is conducted on an annual basis. The survey was last conducted beginning in March 2009. Professionally trained interviewers conducted all interviews from a central telephone facility. The survey is completed on a computer-assisted telephone interviewing system that allows for ongoing tabulation of results. In 2009, the sample size for this survey question was 750. To survey a random and representative sample of adult Albertans, quotas were established based on Statistics Canada's 2006 Census data. In each of the six geographic regions of the province, the number of interviews in each age-gender segment was proportionate to their 2006 population estimates. Results are reliable to within +/-3.6 per cent at the 95 per cent confidence level.

Performance Measure 4.b: Public Confidence in the Justice System

As described under Performance Measure 4.a: Public Understanding of the Justice System.

Goal 5 – Assist government ministries to achieve their objectives through the provision of effective legal and related strategic services

Performance Measure 5.a: Client Satisfaction with Legal Services

Client satisfaction with legal services is determined by an internally conducted survey. Alberta Finance's Statistics Unit provided consultancy advice on the survey in 2008-09. A random sample of 1,241 clients was chosen from the total population of 2,682. Out of the 1,241 surveys sent out, 466 responses were received, for a response rate of 37.6 per cent. Based on this response, overall survey results are precise within ±4.1 per cent at the 95 per cent confidence level and ±5.4 per cent at the 99 per cent confidence level. Seventeen questions in the survey asked respondents to rate their level of satisfaction with services received. The satisfaction scale provided for these questions was comprised of five levels of satisfaction with 1 representing "Very Dissatisfied" and 5 representing "Very Satisfied". This year's survey was conducted online, the same way last year's survey was conducted.

Performance Measure 5.b: Client Satisfaction with Assistance in Meeting Corporate Goals

As described under Performance Measure 5.a: Client Satisfaction with Legal Services.

Anti -Terrorism Act

Section *83.31* of the *Criminal Code* requires the Attorney General of Alberta to publish an annual report on the operation of those parts of the Act dealing with investigative hearings and recognizance with conditions.

This constitutes the annual report of the Attorney General of Alberta covering the period from December 24, 2007 to December 24, 2008.

I. Report on the Operation of Sections 83.28 and 83.29
(Investigative Hearing)

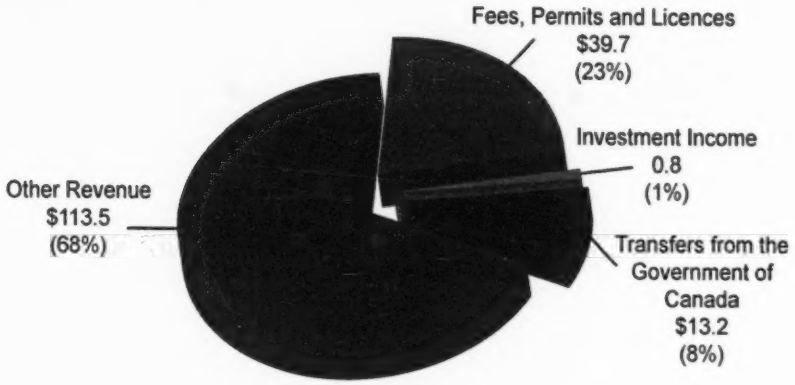
The Attorney General of Alberta reports that there were no applications initiated under these sections of the *Criminal Code*. As such, there is no data to report in relation to the reporting requirements under paragraphs 83.31(1)(a) to (c) of the *Criminal Code*.

II. Report on the Operation of Section 83.3
(Recognizance with Conditions)

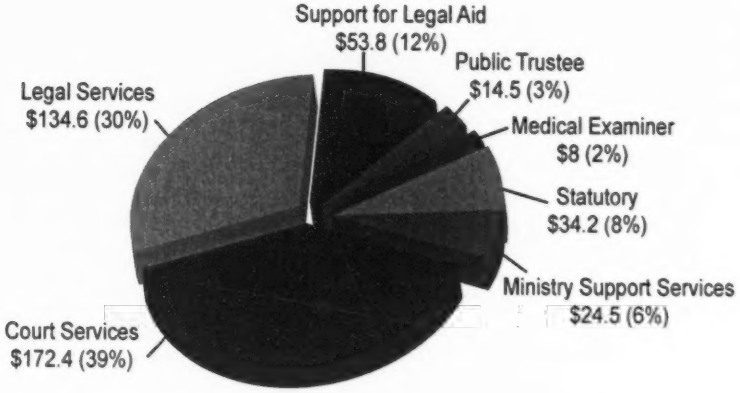
The Attorney General of Alberta reports that there were no cases initiated under this section of the *Criminal Code*. As such, there is no data to report in relation to the reporting requirements in paragraphs 83.31(2)(a) to (f) of the *Criminal Code*.

Financial Information

2008-09 Actual Revenue by Source ($167.2 million)



2008-09 Actual Expense by Program ($442 million)



OPERATING RESULTS

The Ministry's operating results are from the Statement of Operations on page 69. The Statement of Operations includes revenues, and voted and statutory expenses. An explanation of the operating results for revenues and expenses are provided below.

REVENUES

Comparison of 2008-09 Budget to 2008-09 Actual

Ministry revenues were $0.4 million higher than the $166.7 million projected due to a change in accounting policy for the handling of Public Trustee estate accounts and an increase in revenue due to higher volumes of traffic and other fines, and collection of fine penalties. This increase is partially offset by lower fees collected by the Maintenance Enforcement Program and a decrease in revenue from the Motor Vehicle Accident Claims (MVAC) judgment recoveries program.

Comparison of 2008-09 Actual to 2007-08 Actual

Ministry revenues increased by $9.5 million, from the previous year's total of $157.6 million. This increase is mainly due to higher volumes of traffic and other fines, and an increase in the collection of fine penalties. Partially offsetting the increase is a decrease in investment income due to lower interest rates, as well as a decrease in revenue collected for motor vehicle fees.

EXPENSES

Comparison of 2008-09 Budget to 2008-09 Actual

The Ministry expenses of $442 million were $80.6 million lower than the approved spending level of $522.6 million - $88.1 million lower spending in *voted expenses* is partially offset by a $7.5 million increase in spending in *statutory expenses*.

Voted expenses – The $88.1 million in lower voted expenses is primarily due to $74.3 million under expenditure in the Safe Communities Initiative to facilitate planning and coordination of innovative cross-ministry projects, and for lower than anticipated grant expenditures for the Safe Communities Innovation Fund. The remaining $13.8 million is a result of under expenditures for the Justice Information Management System Project, for contracted legal and other services, and in manpower due to delays in the recruitment of prosecution and other specialized legal resources and high vacancies.

Statutory expenses - The $7.5 million increase is primarily due to a valuation adjustment required for outstanding claims involving uninsured and unknown vehicles for the MVAC program.

Comparison of 2008-09 Actual to 2007-08 Actual

Justice is highly reliant on its specialized workforce to deliver programs and services to Albertans. With almost 2,900 employees working for the Ministry in 2008-09, increases in manpower relating to salaries, benefits and compensation have a significant impact on the Ministry.

In 2008-09, $31.1 million of the Ministry's increase from the previous year is due to negotiated salary, benefits and compensation increases, as well as additional funding for resources to support major initiatives across the Ministry. These resources were used to enhance the Prosecution Service and the courts, add capacity to the Medical Examiner's office, provide aboriginal litigation and other specialized legal services and support the Ministry's dedicated revenue programs for ticket processing and the Maintenance Enforcement Program. Other significant increases include new funding for the Safe Communities Initiative, an increase to the Legal Aid grant, and additional funding for the Justice Information Management System Project.

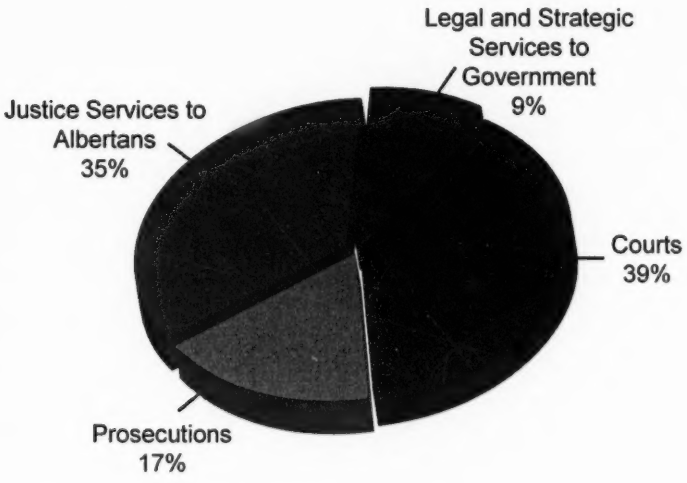
Statutory expenses also increased by $7.9 million primarily due to the valuation adjustments of outstanding claims involving uninsured and unknown vehicles.

Expense by Core Business

(in thousands)

	Comparable		
	2008-09 Budget	2008-09 Actual	2007-08 Actual
Prosecutions	77,091	74,585	64,235
Courts	174,257	175,034	157,173
Legal and Strategic Services to Government	44,448	38,306	34,172
Justice Services to Albertans	226,777	154,094	122,600
MINISTRY EXPENSE	**522,573**	**442,019**	**378,180**

2008-09
Actual Expense by Core Business ($442 million)



Prosecutions: Includes Criminal Justice Division.

Courts: Includes Calgary Court Operations, Edmonton Court Operations, Regional Court Operations, the Court of Appeal, and Fines Enforcement Program.

Legal and Strategic Services to Government: Includes Civil Law, Legislative Counsel Office and Institute of Law Reform.

Justice Services to Albertans: Includes Maintenance Enforcement Program, Legal Aid Alberta, the Office of the Public Trustee, the Medical Examiner's Office, Family Justice Services, Aboriginal Court Worker Program, Safe Communities and Motor Vehicle Accident Claims.

CORE BUSINESS RESULTS

The presentation of expenses by core business is provided to link expenses to the Ministry's goals. Ministry Support Services expenses have been proportionally allocated to each of the Ministry's core businesses.

Comparison of 2008-09 Budget to 2008-09 Actual

Prosecutions expenses of $74.6 million were $2.5 million less than the budget of $77.1 million. The $2.5 million was primarily the result of under spending in manpower due to delays in hiring prosecution staff.

Courts expenses of $175 million were $0.7 million higher than the budget of $174.3 million. This is mainly due to an adjustment to the valuation of doubtful accounts, partially offset by lower spending for the Justice Information Management System Project and in manpower due to vacancies.

Legal and Strategic Services to Government expenses of $38.3 million were $6.1 million under the budget of $44.4 million. This is mainly due to lower than anticipated spending for contracted legal services and in manpower due to delays in hiring aboriginal and other specialized legal resources.

Justice Services to Albertans expenses of $154.1 million were $72.7 million less than the budget of $226.8 million. The majority of the $72.7 million is due to under spending for the Safe Communities Initiative to facilitate planning and coordination of innovative cross-ministry Safe Communities projects, as well as lower than anticipated grant expenditures for the Safe Communities Innovation Fund.

Comparison of 2008-09 Actual to 2007-08 Actual

In 2008-09, all core businesses were impacted by increased expenditures largely due to negotiated salary settlements for staff.

Prosecutions expenses increased by $10.4 million from $64.2 million to $74.6 million. The increase in expenditures was to enhance the Prosecution Service by adding prosecution staff to improve bail hearings, and prosecute serious and violent crime.

Courts expenses increased by $17.9 million from $157.1 million to $175 million. The $17.9 million is mainly for additional court resources hired to respond to increasing volumes and complexity of court cases, along with increased funding for the Justice Information Management System Project.

Legal and Strategic Services to Government expenses increased by $4.1 million from $34.2 million to $38.3 million. The $4.1 million increase is for additional resources for aboriginal litigation and other specialized legal services.

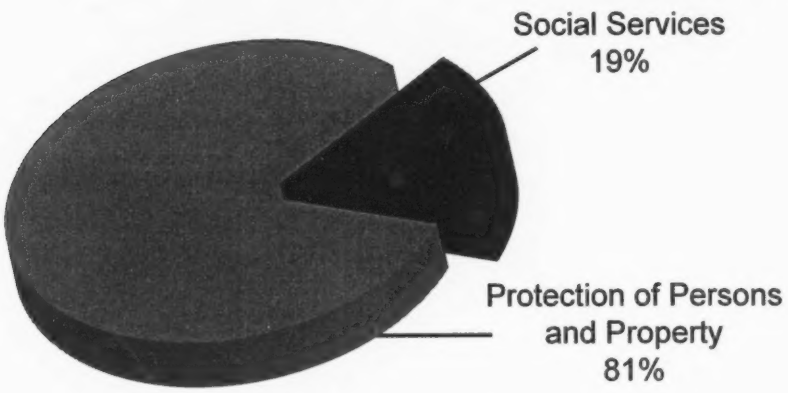
Justice Services to Albertans expenses increased by $31.5 million from $122.6 million to $154.1 million. This increase is primarily the result of new funding allocated to establish the Safe Communities Secretariat to coordinate and implement the recommendations of the Crime Reduction and Safe Communities Task Force. Other significant increases include an increase to the Legal Aid grant to address increased demand for their services and manage their escalating operation costs, along with additional funding to support the ministry's dedicated revenue programs for ticket processing and for Maintenance Enforcement Program.

Expense by Function

(in thousands)

	Comparable		
	2008-09 Budget	2008-09 Actual	2007-08 Actual
Protection of Persons and Property	442,977	358,822	309,165
Social Services	79,596	83,197	69,015
MINISTRY EXPENSE	**522,573**	**442,019**	**378,180**

2008-09
Actual Expense by Function ($442 million)



Protection of Persons and Property: Includes expenses for services provided to ensure the security of persons and property through the court of law, regulatory measures and other protection of persons and property.

Social Services: Covers actions taken by the government either alone or in cooperation with Albertans, to offset or to forestall situations when the well-being of individuals or families is threatened by circumstances beyond their control. This includes the provision of legal aid and motor vehicle accident claims.

FUNCTIONAL RESULTS

The ***Protection of Persons and Property*** function includes Court Services, Legal Services, Public Trustee, Medical Examiner and Ministry Support Services Programs; and the ***Social Services*** function includes Support for Legal Aid and the statutory appropriation for the Motor Vehicle Accident Claims (MVAC) Program.

Comparison of 2008-09 Budget to 2008-09 Actual

Protection of Persons and Property expenses were $84.2 million lower than the approved budget of $443 million.

Under spending of $74.3 million is attributed to the Safe Communities Initiative primarily to facilitate planning and coordination of innovative cross-ministry projects, as well as lower than anticipated grant expenditures for the Safe Communities Innovation Fund. Of the $74.3 million, $50 million has been re-profiled to fund initiatives in future years.

The remaining $9.9 million is mainly the result of lower than expected costs for the Justice Information Management System Project, for contracted legal and other services, and in manpower due to delays in hiring prosecution and other specialized legal resources.

Social Services expenses were $3.6 million higher than the budget of $79.6 million. The difference is due to an adjustment for valuations of outstanding claims involving uninsured and unknown vehicles for MVAC.

Comparison of 2008-09 Actual to 2007-08 Actual

Protection of Persons and Property expenses increased by $49.6 million, from $309.2 million in 2007-08 to $358.8 million in 2008-09. Negotiated salary and benefit increases for staff, along with compensation increases for legal officers accounted for $19.4 million of this increase.

The remainder of the increase is due to new funding for the Safe Communities Initiative, higher than expected service provider fees for the Medical Examiner's office, new funding for the Justice Information Management System Project, and additional resources used to support important initiatives across the Ministry. These new resources were used to enhance the Prosecution Service and the courts, add capacity for the Medical Examiner's office, provide aboriginal litigation and other specialized legal services, and to support dedicated revenue programs for ticket processing and the Maintenance Enforcement Program's collection.

Social Services expenses increased by $14.2 million, from $69 million in 2007-08 to $83.2 million in 2008-09. The increase is primarily due to an increase to the Legal Aid grant along with an adjustment to the valuation of outstanding claims for MVAC.

Financial Information

Ministry of Justice

Financial Statements

Year Ended March 31, 2009

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Schedule 2 Dedicated Revenue Initiatives

Schedule 3 Expenses - Directly Incurred Detailed by Object

Schedule 4 Budget

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Schedule 6 Salary and Benefits Disclosure

Schedule 7 Related Party Transactions

Schedule 8 Allocated Costs

Auditor's Report

To the Members of the Legislative Assembly

I have audited the statement of financial position of the Ministry of Justice as at March 31, 2009 and the statements of operations and cash flows for the year then ended. These financial statements are the responsibility of the Ministry's management. My responsibility is to express an opinion on these financial statements based on my audit.

I conducted my audit in accordance with Canadian generally accepted auditing standards. Those standards require that I plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In my opinion, these financial statements present fairly, in all material respects, the financial position of the Ministry as at March 31, 2009, and the results of its operations and its cash flows for the year then ended in accordance with Canadian generally accepted accounting principles.

[Original signed by Fred J. Dunn]
FCA
Auditor General

Edmonton, Alberta
June 11, 2009

Ministry of Justice
Statement of Operations
Year Ended March 31, 2009

(in thousands)

	2009 Budget (Schedule 4)	2009 Actual	2008 Actual (Restated)
Revenues (Schedule 1)			
Transfers from the Government of Canada	$ 13,122	$ 13,149	$ 13,157
Investment Income	800	838	1,720
Fees, Permits and Licences (Note 2c)	38,454	39,715	40,145
Other Revenue	114,350	113,460	102,598
	166,726	167,162	157,620
Expenses - Directly Incurred (Note 2b and Schedule 8)			
Voted (Schedules 3 and 5)			
Ministry Support Services	26,080	24,465	22,417
Court Services	175,760	172,385	157,318
Legal Services	217,549	134,616	107,324
Support for Legal Aid	53,810	53,810	45,346
Public Trustee	14,804	14,549	12,512
Medical Examiner	7,935	8,021	7,020
	495,938	407,846	351,937
Statutory (Schedules 3 and 5)			
Motor Vehicle Accident Claims	25,786	25,934	25,903
Valuation Adjustments			
Provision for Doubtful Accounts	200	2,365	398
Provision for Vacation Pay	649	2,803	2,176
Increase (Decrease) in Motor Vehicle Accident Claims Liabilities	-	3,071	(2,234)
	26,635	34,173	26,243
	522,573	442,019	378,180
Net Operating Results	$ (355,847)	$ (274,857)	$ (220,560)

The accompanying notes and schedules are part of these financial statements.

Ministry of Justice
Statement of Financial Position
March 31, 2009

(in thousands)

	2009	2008 (Restated)
Assets		
Cash (Note 4)	$ 7,596	$ 32,404
Accounts Receivable (Notes 2c and 5)	88,675	91,295
Advances	27	29
Tangible Capital Assets (Note 6)	26,040	29,210
	$ 122,338	$ 152,938
Liabilities		
Accounts Payable and Accrued Liabilities	$ 114,606	$ 101,717
Unearned Revenue	1,383	1,319
	115,989	103,036
Net Assets		
Net Assets at Beginning of Year	49,902	17,651
Net Operating Results	(274,857)	(220,560)
Net Financing Provided from General Revenues	231,304	252,811
Net Assets at End of Year	6,349	49,902
	$ 122,338	$ 152,938

The accompanying notes and schedules are part of these financial statements.

Ministry of Justice
Statement of Cash Flows
Year Ended March 31, 2009

(in thousands)

	2009	2008 (Restated)
Operating Transactions		
Net Operating Results	$ (274,857)	$ (220,560)
Non-cash items included in Net Operating Results		
Amortization	7,503	6,971
Valuation Adjustments	8,239	340
	(259,115)	(213,249)
Decrease (Increase) in Accounts Receivable	255	(11,215)
Decrease in Advances	2	13
Increase (Decrease) in Accounts Payable and Accrued Liabilities	7,015	(8,167)
Increase in Unearned Revenue	64	159
Cash Applied to Operating Transactions	(251,779)	(232,459)
Capital Transactions		
Acquisition of Tangible Capital Assets	(4,333)	(5,388)
Cash Applied to Capital Transactions	(4,333)	(5,388)
Financing Transactions		
Net Financing Provided from General Revenues	231,304	252,811
(Decrease) Increase in Cash	(24,808)	14,964
Cash, Beginning of Year	32,404	17,440
Cash, End of Year	$ 7,596	$ 32,404

The accompanying notes and schedules are part of these financial statements.

MINISTRY OF JUSTICE

NOTES TO THE FINANCIAL STATEMENTS

YEAR ENDED MARCH 31, 2009

Note 1 Authority and Purpose

The Ministry of Justice operates under the authority of the *Government Organization Act*, Chapter G-10, Revised Statutes of Alberta 2000. The Department of Justice is the sole entity for which the Minister of Justice and Attorney General has been designated as responsible for various acts by the *Government Organization Act* and its regulations.

The Ministry's purpose is to serve Albertans by promoting safe communities, by ensuring access to the courts and other methods of dispute resolution, by providing legal and related strategic services to the Government of Alberta, and by communicating with Albertans about the administration of justice.

Note 2 Summary of Significant Accounting Policies and Reporting Practices

The recommendations of the Public Sector Accounting Board of the Canadian Institute of Chartered Accountants are the primary source for the disclosed basis of accounting. These financial statements are prepared in accordance with the following accounting policies that have been established by government for all departments.

(a) Reporting Entity

The reporting entity is the Ministry of Justice, which consists of the Department of Justice for which the Minister of Justice and Attorney General is accountable. These financial statements include the activities of the Motor Vehicle Accident Claims program (a statutory appropriation).

All departments of the Government of Alberta operate within the General Revenue Fund (the Fund). The Fund is administered by the Minister of Finance. All cash receipts of departments are deposited into the Fund and all cash disbursements made by departments are paid from the Fund. Net transfer from General Revenues is the difference between all cash receipts and all cash disbursements made.

(b) Basis of Financial Reporting

Revenues

All revenues are reported on the accrual method of accounting except for payments on Motor Vehicle Accident Claims judgment debts, which are recorded when received. Cash received for which goods or services have not been provided by year-end is recorded as unearned revenue.

Note 2 Summary of Significant Accounting Policies and Reporting Practices (continued)

Dedicated Revenue

Dedicated revenue initiatives provide a basis for authorizing spending. Dedicated revenues are shown as credits or recoveries in the details of the Government Estimates for a supply vote. If actual dedicated revenues are less than budget and total voted expenses are not reduced by an amount sufficient to cover the deficiency in dedicated revenues, the following year's voted expenses are encumbered. If actual dedicated revenues exceed budget, the Department may, with the approval of the Treasury Board, use the excess revenue to fund additional expenses on the program. Schedule 2 discloses information on the Department's dedicated revenue initiatives.

Expenses

Directly Incurred

Directly incurred expenses are those costs the Ministry has primary responsibility and accountability for, as reflected in the Government's budget documents.

In addition to program operating expenses like salaries, supplies, etc., directly incurred expenses also include:

- amortization of tangible capital assets
- pension costs, which comprise the cost of employer contributions for current service of employees during the year
- valuation adjustments, which include changes in the valuation allowances used to reflect financial assets at their net recoverable or other appropriate value. Valuation adjustments also represent the change in management's estimate of future payments arising from obligations relating to vacation pay, guarantees and indemnities

Grants are recorded as expenses when authorized and all eligibility criteria have been met.

Incurred by Others

Services contributed by other entities in support of the Ministry's operations are disclosed in Schedule 7.

Assets

Financial assets of the Ministry are limited to financial claims, such as advances to and receivables from other organizations, employees and other individuals.

Assets acquired by right are not included. Tangible capital assets of the Ministry are recorded at historical cost and amortized on a straight-line basis over the estimated useful lives of the assets. The threshold for capitalizing new systems development is $100,000 and the threshold for all other tangible capital assets is $5,000.

Note 2 Summary of Significant Accounting Policies and Reporting Practices (continued)

Liabilities

Liabilities are recorded to the extent that they present obligations as a result of events and transactions occurring prior to the end of the fiscal year. The settlement of liabilities will result in sacrifice of economic benefits in the future.

Net Assets

Net assets represent the difference between the carrying value of assets held by the Ministry and its liabilities.

Measurement Uncertainty
(in thousands)

Measurement uncertainty exists when there is a significant variance between the amount recognized in the financial statements and another reasonably possible amount.

Included in accounts receivable, recorded as $88,675 in these financial statements, are fines of $54,176 (2008 restated - $48,564) that are subject to measurement uncertainty. Accounts receivable excludes certain outstanding federal statute and provincial statute fines that are expected to be satisfied by means other than cash payment. The other means include participation in the fine option program or time served in a correctional institution at the option of the person owing the fine. Outstanding fines expected to be satisfied by other means of $6,605 (2008 - $6,540) have been deducted from total outstanding fines. The estimate of $54,176 is based on the actual percentage satisfied in this manner from April 1, 2008 to March 31, 2009. Changes in the proportion of fines satisfied by other means may have a material effect on future operating results.

Accounts payable and accrued liabilities, recorded as $114,606 in these financial statements, is subject to measurement uncertainty. Accrued liabilities includes an estimate of $55,312 (2008 - $52,036) for unsettled claims under the Motor Vehicle Accident Claims program based on a calculated settlement value per claim. Changes to the settlement value may have a material effect on future operating results (Note 9).

Valuation of Financial Assets and Liabilities

Fair value is the amount of consideration agreed upon in an arm's length transaction between knowledgeable, willing parties who are under no compulsion to act.

The fair values of cash, accounts receivable, advances, and accounts payable and accrued liabilities are estimated to approximate their carrying values because of the short term nature of these instruments.

Note 2 Summary of Significant Accounting Policies and Reporting Practices (continued)

(c) Change in Accounting Policy
(in thousands)

The Ministry changed its accounting policy for recognizing Public Trustee fees of decedent estate accounts. In prior years, fees were recognized on a cash basis when received because fees were calculated and collected at the end of account administration. Public Trustee fees of decedent estate accounts are now recorded on an accrual basis.

This change in accounting policy has been applied retroactively and, as a result, the prior year Financial Statements have been restated. The impact of this change resulted in an increase in Accounts Receivable at March 31, 2008 of $2,655, an increase in Fees, Permits and Licences Revenue for the year ended March 31, 2008 of $2,655 and an increase in Net Assets at March 31, 2008 of $2,655.

Note 3 Program Transfer
(in thousands)

A transfer of core funding for Information, Communication and Technology (ICT) Services between the Ministry and the Ministry of Service Alberta was undertaken and comparatives for 2007-08 have been restated to reflect this transfer. The effect was to decrease net operating loss from $224,275 to $220,560 and to decrease net financing provided from General Revenues from $256,526 to $252,811.

Note 4 Cash

Cash consists of demand deposits in the Consolidated Cash Investment Trust Fund (CCITF). The CCITF is administered by the Ministry of Finance and Enterprise with the objective of providing competitive interest income to depositors while maintaining maximum security and liquidity of depositors' capital. The portfolio comprises high quality short-term and mid-term fixed-income securities with a maximum term-to-maturity of three years. As at March 31, 2009, securities held by the CCITF have a time-weighted rate of return of 3.0% per annum (2008 – 4.5% per annum).

Note 5 **Accounts Receivable**
(in thousands)

	2009			2008
	Gross Amount	Allowance for Doubtful Accounts	Net Realizable Value	Net Realizable Value (Restated)
Government of Canada	$ 6,454	$ -	$ 6,454	$ 14,182
Fines - Provincial	21,770	2,622	19,148	17,962
Fines - Federal	15,690	2,318	13,372	11,813
Ticket Processing	16,716	945	15,771	14,496
Fine Late Payment Penalty	18,927	1,570	17,357	15,838
Other	19,408	2,835	16,573	17,004
	$ 98,965	$ 10,290	$ 88,675	$ 91,295

Accounts receivable are unsecured and non-interest bearing.

Note 6 **Tangible Capital Assets**
(in thousands)

	Equipment	Computer Hardware and Software	2009 Total	2008 Total
Estimated Useful Life	10 years	5 - 10 years		
Historical Cost*				
Beginning of year	$ 8,778	$ 43,035	$ 51,813	$ 46,425
Additions	988	3,345	4,333	5,388
Disposal, including write-downs	(453)	-	(453)	-
	$ 9,313	$ 46,380	$ 55,693	$ 51,813
Accumulated Amortization				
Beginning of year	$ 4,761	$ 17,842	$ 22,603	$ 15,632
Amortization expense	708	6,795	7,503	6,971
Effect of disposals	(453)	-	(453)	-
	$ 5,016	$ 24,637	$ 29,653	$ 22,603
Net Book Value at March 31, 2009	$ 4,297	$ 21,743	$ 26,040	
Net Book Value at March 31, 2008	$ 4,017	$ 25,193		$ 29,210

*Historical cost additions for the year ended March 31, 2009 include work-in-progress of $1,639, which is comprised of computer hardware and software (2008 - $550).

Note 7 **Contractual Obligations**
(in thousands)

	2009	2008
Service contracts	$ 9,534	$13,962
Grants	14,541	-
Operating leases	81	173
	$24,156	$14,135

The aggregate amounts payable for the unexpired terms of these contractual obligations are as follows:

	Service Contracts	Grants	Operating Leases	Total
2010	$8,326	$7,069	$53	$15,448
2011	973	7,472	28	8,473
2012	167	-	-	167
2013, or thereafter	68	-	-	68
	$9,534	$14,541	$81	$24,156

Note 8 **Contingent Liabilities**
(in thousands)

At March 31, 2009, the Ministry is a defendant in thirty six legal claims (2008 – thirty five legal claims). Thirty of these claims have specified amounts totaling $1,048,645 and the remaining six have no specified amount (2008 – twenty six claims with a specified amount of $1,121,594 and the remaining nine have no specified amount). Included in the total legal claims are five claims amounting to $941,300 (2008 - five claims amounting to $941,300) in which the Ministry has been jointly named with other entities. Thirty two claims amounting to $1,030,665 (2008 – thirty one claims totaling $1,083,556) are covered by the Alberta Risk Management Fund.

The resulting loss, if any, from these claims cannot be determined.

Within the provision of the *Public Trustee Act* the Office of the Public Trustee remits unclaimed estate monies, which is reported as general revenue of the Department. If entitled beneficiaries are subsequently located, previously unclaimed estate monies are distributed to the beneficiaries.

Note 9 **Motor Vehicle Accident Claims Program**
(in thousands)

Personal Injury Settlements

The Motor Vehicle Accident Claims Program is a publicly administered program that pays for judgments arising from motor vehicle accidents involving uninsured or unidentified vehicles in Alberta. The program operates under the authority of the *Motor Vehicle Accident Claims Act*. At March 31, 2009, there were one thousand five hundred and thirty nine (2008 – one thousand five hundred and fifty nine) unsettled motor vehicle accident claims under this program amounting to $170,165 (2008 - $176,870). Of the unsettled claims, it was estimated that approximately $55,312 (2008 - $52,036) may arise from court ordered judgments and has been recorded as a liability.

The *Motor Vehicle Accident Claims Act* states that in order for claimants involved in motor vehicle accidents with uninsured or unidentified vehicles to be entitled to compensation, the Minister of Justice must receive a court judgment. In accordance with the Act, liabilities for personal injury claims are accrued when a court ordered judgment is received. Liabilities for motor vehicle accident claims amounting to $731 at March 31, 2009 (2008 - $495) are included in the total claim expenditures of $27,023, which includes tangible capital asset purchases of $1,089 (2008 - $26,453, tangible capital asset purchases of $550).

Supplementary Medical and Rehabilitation Expenses

The estimated liability for supplementary medical and rehabilitation expenses on approved applications filed up to March 31, 2009, is $4,615 (2008 - $4,820) and has been recorded as a liability. As at March 31, 2009, the maximum amount that may be payable to or on behalf of entitled applicants pursuant to the limits set in Section 17 of the *Motor Vehicle Accident Claims Act* was approximately $10,441 (2008 - $11,084).

Note 10 Trust Funds Under Administration
(in thousands)

The Ministry administers trust funds that are regulated funds consisting of public money over which the Legislature has no power of appropriation. Because the Province has no equity in the funds and administers them for the purpose of various trusts, they are not included in the Ministry's financial statements.

As at March 31, 2009, the amount of trust assets under administration net of trust liabilities was as follows:

	2009	2008 (Restated)
Public Trustee - Trust Funds (a)	$ 524,432	$ 499,207
Various Court Offices (b)	100,748	78,030
Maintenance Enforcement (c)	9,133	7,676
Solicitors Trust	194	193
	$ 634,507	$ 585,106

(a) The Office of the Public Trustee administers the estates of decedents, dependent adults and minors. Trust fund receipts exceeded trust fund disbursements and income adjustments in 2008-2009 by $25,225 (2008 restated – $25,853). The major sources of receipts and income include pensions and similar receipts; investment income; and acquisition and sale of client estates. Significant disbursements include beneficiary distributions; client care and maintenance payments; release of client assets; and fees and taxes paid on behalf of clients. The Office of the Public Trustee administers other estate assets consisting of client owned securities and investments, real estate holdings, accounts receivable, and personal property and other assets totaling $97,371 as at March 31, 2009 (2008 - $76,602). These assets are valued at fair value at the date the office obtains custody or nominal value when fair value is not readily determinable. Client liabilities as at March 31, 2009 of $23,986 (2008 restated – $18,657), are comprised of accounts, mortgages and notes payable, and are recorded at nominal value where actual value is not readily determinable.

The comparative figures for 2008 have been restated to reflect the actual amount of the Trust Funds administered by the Office of the Public Trustee. Trust Funds administered by the Public Trustee for 2008 were reported as $501,829 at March 31, 2008, the amount that should have been reported is $499,207. The change resulted from a retroactive change in accounting policy whereby fees of decedent estate accounts, previously recognized on a cash basis, are now recognized on an accrual basis. Refer to Note 2c.

Note 10 **Trust Funds Under Administration (continued)**
(in thousands)

(b) The Court Offices receive and disburse payments for fines, bail and other payments involving civil litigants. Total Court trust receipts exceeded total trust fund disbursements in 2008-2009 by $22,718 (2008 restated – $10,060).

The comparative figures for 2008 have been restated to reflect the actual amount of the Trust Funds administered by the various Court Offices. Trust Funds administered by the various Court Offices for 2008 were reported as $77,154 at March 31, 2008, the amount that should have been reported is $78,030. There was no impact on the Statement of Operations, Statement of Financial Position or Statement of Cash Flow of the Ministry of Justice for March 31, 2009 as a result of the restatement.

(c) The Maintenance Enforcement Program receives and disburses court ordered maintenance and child support. Total trust receipts exceeded total trust fund disbursements in 2008-2009 by $1,457 (2008 - $54).

Note 11 **Payments Under Agreement**
(in thousands)

The Ministry has entered into agreements to deliver programs and services that are fully funded by the Government of Northwest Territories (GNWT) and the Government of Canada (Justice Canada). Costs incurred under these agreements are made by the Ministry under the authority of the *Financial Administration Act*, Section 25. Accounts receivable includes $19 (2008 - $24) from the GNWT and $54 (2008 - $29) from Justice Canada.

The agreement with the GNWT is for services provided by the Medical Examiners Office. Services include examination of remains, medico-legal autopsy, toxicology analysis, and expert testimony in court or at a Coroner's inquest.

The agreement with Justice Canada is for French language training in order to prepare Alberta Provincial Court judges to sit on the Itinerant Francophone Provincial Court Bench.

Amounts paid under agreements with program sponsors are as follows:

	2009	2008
GNWT - Medical Examiner Services	$ 19	$ 24
Justice Canada - French Language Training	54	29
	$ 73	$ 53

Note 12 Defined Benefit Plans
(in thousands)

The Ministry participates in the multi-employer Management Employees Pension Plan and Public Service Pension Plan. The Ministry also participates in the multi-employer Supplementary Retirement Plan for Public Service Managers. The expense for these pension plans is equivalent to the annual contributions of $20,404 for the year ended March 31, 2009 (2008 - $16,780).

At December 31, 2008, the Management Employees Pension Plan reported a deficiency of $568,574 (2007 - $84,341) and the Public Service Pension Plan reported a deficiency of $1,187,538 (2007 –$92,509 as restated). At December 31, 2008, the Supplementary Retirement Plan for Public Service Managers had a deficiency of $7,111 (2007 – surplus of $1,510).

The Ministry participates in the Provincial Judges and Masters in Chambers Pension Plan. The expenses for this pension plan are $7,627 for the year ended March 31, 2009 (2008 - $8,627).

The Ministry also participates in two multi-employer Long Term Disability Income Continuance Plans. At March 31, 2009, the Bargaining Unit Plan reported an actuarial deficiency of $33,540 (2008 – $6,319) and the Management, Opted Out and Excluded Plan an actuarial deficiency of $1,051 (2008 – actuarial surplus of $7,874). The expense for these two plans is limited to employer's annual contributions for the year.

Note 13 Comparative Figures

Certain 2008 figures have been reclassified to conform to the 2009 presentation.

Note 14 Approval of Financial Statements

The financial statements were approved by the Senior Financial Officer and the Deputy Minister of Justice and Deputy Attorney General.

Ministry of Justice
Schedule to Financial Statements
Revenues
Year Ended March 31, 2009

Schedule 1

(in thousands)

	2009		2008
	Budget	Actual	Actual (Restated)
Transfers from the Government of Canada			
Legal Aid	$ 10,751	$ 10,679	$ 10,738
Other	2,371	2,470	2,419
	13,122	13,149	13,157
Investment Income - Bank Interest	800	838	1,720
Fees, Permits and Licences			
Court Fees	13,950	15,127	14,038
Motor Vehicle Accident Claims (MVAC)	19,000	18,905	18,421
Public Trustee Fees (Note 2c)	5,005	5,066	7,078
Other	499	617	608
	38,454	39,715	40,145
Other Revenue			
Fines	69,100	68,186	58,308
Maintenance Enforcement Program	14,425	13,376	12,648
Fines - Late Payment Penalty	16,500	18,239	16,036
MVAC Recoveries	9,200	8,824	10,707
Miscellaneous	5,125	4,835	4,899
	114,350	113,460	102,598
	$ 166,726	$ 167,162	$ 157,620

Ministry of Justice
Schedule to Financial Statements
Dedicated Revenue Initiatives
Year Ended March 31, 2009

Schedule 2

(in thousands)

	2009		
	Authorized Dedicated Revenues	Actual Dedicated Revenues	Excess / (Shortfall)
Ticket Processing	$ 27,212	$ 28,076	$ 864
Provincial Civil Claims	900	1,104	204
Maintenance Enforcement	4,900	4,684	(216)
	$ 33,012	$ 33,864	$ 852

Ticket Processing revenues represent the Province's share of ticket revenue designated towards all expenditures in Court Services, Criminal Justice and Corporate Services incurred in the processing and handling of violation tickets.

Provincial Civil Claims revenues represent amounts received from the public for filing civil claims in excess of seven thousand five hundred dollars in Provincial Court. These revenues are dedicated towards the costs of processing these claims.

Maintenance Enforcement revenues represent deterrent penalties and service fees to promote timely payment of maintenance to improve and expand services available for clients.

Ministry of Justice
Schedule to Financial Statements **Schedule 3**
Expenses - Directly Incurred Detailed by Object
Year Ended March 31, 2009

(in thousands)

	2009		2008
	Budget	Actual	Actual (Restated)
Voted			
Salaries, Wages and Employee Benefits	$ 319,143	$ 264,596	$ 233,415
Supplies and Services	109,455	72,923	64,638
Grants	59,658	62,496	46,660
Financial Transactions and Other	237	329	255
Amortization of Tangible Capital Assets	7,445	7,502	6,969
Total Voted Expenses	$ 495,938	$ 407,846	$ 351,937
Statutory			
Salaries, Wages and Employee Benefits	$ 2,267	$ 2,472	$ 2,250
Supplies and Services	2,087	2,407	2,420
Financial Transactions and Other	21,331	21,054	21,231
Amortization of Tangible Capital Assets	101	1	2
Valuation Adjustments			
Provision for Doubtful Accounts	200	2,365	398
Provision for Vacation Pay	649	2,803	2,176
Increase (Decrease) in Motor Vehicle Accident Claims Liabilities	-	3,071	(2,234)
Total Statutory Expenses	$ 26,635	$ 34,173	$ 26,243

Ministry of Justice
Schedule to Financial Statements
Budget
Year Ended March 31, 2009
(in thousands)

Schedule 4

	2008-2009 Estimates	Adjustment	2008-2009 Budget	Voted Supplementary (a)	2008-2009 Authorized Budget
Revenues:					
Transfers from the Government of Canada	$ 13,122	$ -	$ 13,122	$ -	$ 13,122
Investment Income	800	-	800	-	800
Fees, Permits and Licences	38,454	-	38,454	-	38,454
Other Revenue	114,350	-	114,350	-	114,350
	166,726	-	166,726	-	166,726
Expenses - Directly Incurred:					
Voted:					
Ministry Support Services	26,080	-	26,080	-	26,080
Court Services	175,760	-	175,760	-	175,760
Legal Services	217,549	-	217,549	(13,841)	203,708
Support for Legal Aid	53,810	-	53,810	-	53,810
Public Trustee	14,804	-	14,804	-	14,804
Medical Examiner	7,935	-	7,935	-	7,935
	495,938	-	495,938	(13,841)	482,097
Statutory:					
Motor Vehicle Accident Claims	25,786	-	25,786	-	25,786
Valuation Adjustments					
Provisions for Doubtful Accounts	200	-	200	-	200
Provision for Vacation Pay	649	-	649	-	649
	26,635	-	26,635	-	26,635
Total Expenses	522,573	-	522,573	(13,841)	508,732
Net Operating Results	$ (355,847)	$ -	$ (355,847)	$ 13,841	$ (342,006)
Equipment Purchases	$ 4,372	$ -	$ 4,372	$ -	$ 4,372

(a) Supplementary Estimates were approved on December 4, 2008 ($6,441) and March 23, 2009 ($7,400).

Ministry of Justice
Schedule to Financial Statements
Comparison of Expenses - Directly Incurred, Equipment Purchases and Statutory Expenses by Element to Authorized Budget
Year Ended March 31, 2009
(in thousands)

Schedule 5

	2008-2009 Estimates	Adjustments	2008-2009 Budget	2008-2009 Supplementary (a)	2008-2009 Authorized Budget	2008-2009 Actual (b)	Unexpended (Over Expended)
Ministry Support Services	$ 26,150	$ -	$ 26,150	$ -	$ 26,150	$ 24,465	$ 1,685
Court Services	175,960	-	175,960	-	175,960	173,103	2,857
Legal Services	219,299	-	219,299	(13,841)	205,458	136,384	69,074
Support for Legal Aid	53,810	-	53,810	-	53,810	53,810	-
Public Trustee	15,704	-	15,704	-	15,704	14,549	1,155
Medical Examiner	8,387	-	8,387	-	8,387	8,779	(392)
	$ 499,310	$ -	$ 499,310	$ (13,841)	$ 485,469	$ 411,090	$ 74,379
STATUTORY EXPENSES							
Motor Vehicle Accident Claims	$ 26,786	$ -	$ 26,786	$ -	$ 26,786	$ 27,023	$ (237)
Valuation Adjustments	849	-	849	-	849	8,239	(7,390)
	$ 27,635	$ -	$ 27,635	$ -	$ 27,635	$ 35,262	$ (7,627)

(a) Supplementary Estimates were approved on December 4, 2008 ($6,441) and March 23, 2009 ($7,400).

(b) Includes achievement bonus amounting to $6,718.

Ministry of Justice
Schedule to Financial Statements
Comparison of Expenses - Directly Incurred, Equipment Purchases and Statutory Expenses by Element to Authorized Budget
Year Ended March 31, 2009
(in thousands)

Schedule 5 (continued)

	Program	2008-2009 Estimates	Adjustments	2008-2009 Budget	2008-2009 Supplementary (a)	2008-2009 Authorized Budget	2008-2009 Actual (b)	Unexpended (Over Expended)
1.0.1	Minister's Office	$ 581	$ -	$ 581	$ -	$ 581	$ 572	$ 9
1.0.2	Deputy Minister's Office	675	-	675	-	675	583	92
1.0.3	Communications	514	-	514	-	514	431	83
1.0.4	Corporate Services							
	-Operating Expense	15,264	-	15,264	-	15,264	14,445	819
	-Equipment Purchases	70	-	70	-	70	-	70
1.0.5	Human Resources	3,740	-	3,740	-	3,740	3,355	385
1.0.6	Management Information Services	4,272	-	4,272	-	4,272	4,111	161
1.0.7	Policy Secretariat	1,034	-	1,034	-	1,034	968	66
TOTAL PROGRAM		$ 26,150	$ -	$ 26,150	$ -	$ 26,150	$ 24,465	$ 1,685

Ministry of Justice
Schedule to Financial Statements
Comparison of Expenses - Directly Incurred, Equipment Purchases and Statutory Expenses by Element to Authorized Budget
Year Ended March 31, 2009
(in thousands)

Schedule 5 (continued)

	Program	2008-2009 Estimates	Adjustments	2008-2009 Budget	2008-2009 Supplementary (a)	2008-2009 Authorized Budget	2008-2009 Actual (b)	Unexpended (Over Expended)
2.1	**Program Support**							
2.1.1	Program Support Services							
	-Operating Expense	$ 25,138	$ -	$ 25,138	$ -	$ 25,138	$ 24,416	$ 722
	-Equipment Purchases	200	-	200	-	200	488	(288)
2.1.2	Chief Provincial Judge's Office	2,788	-	2,788	-	2,788	3,086	(298)
2.1.3	Law Libraries	4,406	-	4,406	-	4,406	4,339	67
2.1.4	Ticket Processing	27,212	-	27,212	-	27,212	28,561	(1,349)
2.1.5	Provincial Civil Claims	900	-	900	-	900	2,048	(1,148)
2.1.6	Aboriginal Court Worker Program	3,855	-	3,855	-	3,855	3,715	140
2.1.7	Civil Mediation	2,225	-	2,225	-	2,225	1,308	917
2.1.8	Self Represented Litigant Services	761	-	761	-	761	700	61
	Total Sub-program	67,485	-	67,485	-	67,485	68,661	(1,176)
2.2	**Calgary Court Operations**							
2.2.1	Calgary Court of Queen's Bench	9,586	-	9,586	-	9,586	9,653	(67)
2.2.2	Calgary Provincial Court	23,800	-	23,800	-	23,800	21,747	2,053
2.2.3	Calgary Family Justice Services	2,948	-	2,948	-	2,948	2,657	291
2.2.4	Calgary Operations Support	1,709	-	1,709	-	1,709	1,912	(203)
	Total Sub-program	38,043	-	38,043	-	38,043	35,969	2,074
2.3	**Edmonton Court Operations**							
2.3.1	Edmonton Court of Queen's Bench	9,872	-	9,872	-	9,872	9,944	(72)
2.3.2	Edmonton Provincial Court	20,166	-	20,166	-	20,166	18,409	1,757
2.3.3	Edmonton Family Justice Services	2,988	-	2,988	-	2,988	2,588	400
2.3.4	Edmonton Operations Support							
	-Operating Expense	2,205	-	2,205	-	2,205	2,700	(495)
	-Equipment Purchases	-	-	-	-	-	211	(211)
2.3.5	Alberta Review Board	263	-	263	-	263	302	(39)
	Total Sub-program	35,494	-	35,494	-	35,494	34,154	1,340

Ministry of Justice
Schedule to Financial Statements
Comparison of Expenses - Directly Incurred, Equipment Purchases and Statutory Expenses by Element to Authorized Budget
Year Ended March 31, 2009
(in thousands)

Schedule 5 (continued)

	Program	2008-2009 Estimates	Adjustments	2008-2009 Budget	2008-2009 Supplementary (a)	2008-2009 Authorized Budget	2008-2009 Actual (b)	Unexpended (Over Expended)
2.4	**Regional Court Operations**							
2.4.1	Lethbridge Courts	$ 4,225	$ -	$ 4,225	$ -	$ 4,225	$ 4,323	$ (98)
2.4.2	Red Deer Courts	4,241	-	4,241	-	4,241	3,969	272
2.4.3	Grande Prairie Courts	2,134	-	2,134	-	2,134	1,666	468
2.4.4	Peace River Courts	1,673	-	1,673	-	1,673	2,000	(327)
2.4.5	Wetaskiwin Courts	1,398	-	1,398	-	1,398	1,515	(117)
2.4.6	Fort McMurray Courts							
	-Operating Expense	1,301	-	1,301	-	1,301	1,492	(191)
	-Equipment/ Purchases	-	-	-	-	-	13	(13)
2.4.7	St. Paul Courts	2,026	-	2,026	-	2,026	1,772	254
2.4.8	Drumheller Courts	502	-	502	-	502	299	203
2.4.9	Medicine Hat Courts	1,573	-	1,573	-	1,573	1,558	15
2.4.10	Regional Provincial Courts							
	-Operating Expense	7,368	-	7,368	-	7,368	6,951	417
	-Equipment Purchases	-	-	-	-	-	6	(6)
2.4.11	Regional Family Justice Services	2,405	-	2,405	-	2,405	2,089	316
2.4.12	Regional Operations Support	1,239	-	1,239	-	1,239	1,471	(232)
	Total Sub-program	30,085	-	30,085	-	30,085	29,124	961
2.5	**Court of Appeal**							
2.5.1	Court of Appeal	4,853	-	4,853	-	4,853	5,195	(342)
	Total Sub-program	4,853	-	4,853	-	4,853	5,195	(342)
TOTAL PROGRAM		$ 175,960	$ -	$ 175,960	$ -	$ 175,960	$ 173,103	$ 2,857

Ministry of Justice
Schedule to Financial Statements
Comparison of Expenses - Directly Incurred, Equipment Purchases and Statutory Expenses by Element to Authorized Budget
Year Ended March 31, 2009
(in thousands)

Schedule 5 (continued)

	Program	2008-2009 Estimates	Adjustments	2008-2009 Budget	2008-2009 Supplementary (a)	2008-2009 Authorized Budget	2008-2009 Actual (b)	Unexpended (Over Expended)
3.0.1	Law Reform	$ 400	$ -	$ 400	$ -	$ 400	$ 600	$ (200)
3.0.2	Legislative Counsel	2,323	-	2,323	-	2,323	2,226	97
3.0.3	Civil Law							
	-Operating Expenses	39,748	-	39,748	-	39,748	33,214	6,534
	- Equipment Purchases	200	-	200	-	200	253	(53)
3.0.4	Criminal Justice	72,153	-	72,153	-	72,153	69,642	2,511
3.0.5	Maintenance Enforcement							
	-Operating Expenses	18,185	-	18,185	-	18,185	18,469	(284)
	- Equipment Purchases	1,550	-	1,550	-	1,550	1,485	65
3.0.6	Crime Reduction and Safe Communities							
	-Operating Expenses	84,740	-	84,740	(13,841)	70,899	10,465	60,434
	- Equipment Purchases	-	-	-	-	-	30	(30)
TOTAL PROGRAM		$ 219,299	$ -	$ 219,299	$ (13,841)	$ 205,458	$ 136,384	$ 69,074

	Program	2008-2009 Estimates (a)	Adjustments (b)	2008-2009 Budget	2008-2009 Supplementary (c)	2008-2009 Authorized Budget	2008-2009 Actual (d)	Unexpended (Over Expended)
4.0.1	Legal Aid Plan	$ 53,810	$ -	$ 53,810	$ -	$ 53,810	$ 53,810	$ -

Ministry of Justice
Schedule to Financial Statements
Comparison of Expenses - Directly Incurred, Equipment Purchases and Statutory Expenses by Element to Authorized Budget
Year Ended March 31, 2009
(in thousands)

Schedule 5 (continued)

Program	2008-2009 Estimates	Adjustments	2008-2009 Budget	2008-2009 Supplementary (a)	2008-2009 Authorized Budget	2008-2009 Actual (b)	Unexpended (Over Expended)
5.0.1 Public Trustee							
-Operating Expenses	$ 14,804	$ -	$ 14,804	$ -	$ 14,804	$ 14,549	$ 255
-Equipment Purchases	900	-	900	-	900	-	900
TOTAL PROGRAM	$ 15,704	$ -	$ 15,704	$ -	$ 15,704	$ 14,549	$ 1,155

Program	2008-2009 Estimates	Adjustments	2008-2009 Budget	2008-2009 Supplementary (a)	2008-2009 Authorized Budget	2008-2009 Actual (b)	Unexpended (Over Expended)
6.0.1 Medical Examiner							
-Operating Expenses	$ 7,935	$ -	$ 7,935	$ -	$ 7,935	$ 8,021	$ (86)
-Equipment Purchases	452	-	452	-	452	758	(306)
TOTAL PROGRAM	$ 8,387	$ -	$ 8,387	$ -	$ 8,387	$ 8,779	$ (392)

Ministry of Justice
Schedule to Financial Statements
Comparison of Expenses - Directly Incurred, Equipment Purchases and Statutory Expenses by Element to Authorized Budget
Year Ended March 31, 2009
(in thousands)

Schedule 5 (continued)

STATUTORY EXPENSES	2008-2009 Estimates	Adjustments	2008-2009 Budget	2008-2009 Supplementary (a)	2008-2009 Authorized Budget	2008-2009 Actual (b)	Unexpended (Over Expended)
Motor Vehicle Accident Claims							
-Operating Expenses	$ 25,786	$ -	$ 25,786	$ -	$ 25,786	$ 25,934	$ (148)
-Equipment Purchases	1,000	-	1,000	-	1,000	1,089	(89)
Valuation Adjustments	849	-	849	-	849	8,239	(7,390)
	$ 27,635	$ -	$ 27,635	$ -	$ 27,635	$ 35,262	$ (7,627)

Ministry of Justice
Schedule to Financial Statements
Salary and Benefits Disclosure
Year Ended March 31, 2009

Schedule 6

	2009				2008
	Base Salary[1]	Other Cash Benefits[2]	Other Non Cash Benefits[3]	Total	Total
Deputy Minister [4] [5]	$ 236,713	$ 64,554	$ 64,845	$ 366,112	$ 357,408
Assistant Deputy Minister, Legal Services [6]	188,640	24,494	45,414	258,548	257,460
Assistant Deputy Minister, Court Services	177,828	34,499	41,966	254,293	235,090
Assistant Deputy Minister, Criminal Justice	188,640	28,296	56,259	273,195	256,268
Assistant Deputy Minister, Corporate Services	177,828	26,674	43,287	247,789	269,283
Executive Director, Human Resources	145,572	15,558	34,898	196,028	186,503

Prepared in accordance with Treasury Board Directive 12/98 as amended.

Total salary and benefits relating to a position are disclosed.

(1) Base salary includes pensionable base pay.

(2) Other cash benefits include bonuses, vacation payouts and lump sum payments.

(3) Other non-cash benefits include the government's share of all employee benefits and contributions or payments made on behalf of employees including pension, supplementary retirement plans, health care, dental coverage, group life insurance, short and long term disability plans, professional memberships and tuition fees.

(4) Automobile provided, no dollar amount included in benefits and allowances.

(5) The position was occupied by two individuals through the year.

(6) The position was occupied by four individuals through the year.

Ministry of Justice
Schedule to Financial Statements **Schedule 7**
Related Party Transactions
Year Ended March 31, 2009
(in thousands)

Related parties are those entities consolidated or accounted for on a modified equity basis in the Province of Alberta's financial statements. Related parties also include management in the Ministry.

The Ministry and its employees paid or collected certain taxes and fees set by regulation for permits, licences and other charges. These amounts were incurred in the normal course of business, reflect charges applicable to all users, and have been excluded from this Schedule.

The Ministry had the following transactions with related parties recorded on the Statement of Operations and the Statement of Financial Position at the amount of consideration agreed upon between the related parties:

	Other Entities	
	2009	2008 (Restated)
Expenses - Directly Incurred		
Service Alberta	$ 8,576	$ 6,794
Other	4	-
	$ 8,580	$ 6,794

At March 31, 2009 the Ministry recorded accounts receivable from Service Alberta for Motor Vehicle Accident Claims (MVAC) fees on the Statement of Operations and Statement of Financial Position of $1,743 (2008 – $1,880). The Ministry also included an outstanding deposit from Service Alberta of $6,742 (2008 - $6,523) in the various Court Offices Trust Fund as at March 31, 2009.

The Ministry also had the following transactions with related parties for which no consideration was exchanged. The amounts for these related party transactions are estimated based on the costs incurred by the service provider to provide the service. These amounts are not recorded in the financial statements.

	Other Entities		Entities in the Ministry	
	2009	2008 (Restated)	2009	2008
Revenues - Legal Services	$ 30,284	$ 26,701	$ 5,507	$ 5,190
Expenses - Indirectly Incurred				
Accommodation	$ 63,579	$ 51,579	$ -	$ -
Legal Services	-	-	5,507	5,190
Service Alberta	8,455	8,634	-	-
Other Services	429	206	-	-
	$ 72,463	$ 60,419	$ 5,507	$ 5,190

Ministry of Justice
Schedule to Financial Statements
Allocated Costs
Year Ended March 31, 2009
(in thousands)

Schedule 8

Program	2009 Expenses (1)	Expenses - Incurred by Others: Accommodation Costs (2)	Expenses - Incurred by Others: Legal Services (3)	Valuation Adjustments (4): Vacation Pay	Valuation Adjustments (4): Doubtful Accounts	2009 Expenses	2008 (Restated) Expenses
Voted:							
Ministry Support Services	$ 24,465	$ 1,195	$ 2,904	$ 289	$ -	$ 28,853	$ 26,665
Court Services	172,385	48,920	447	1,125	2,020	224,897	199,108
Legal Services	134,616	10,412	(4,536)	1,218	-	141,710	110,304
Support for Legal Aid	53,810	56	-	-	-	53,866	45,432
Public Trustee	14,549	1,471	155	106	-	16,281	14,093
Medical Examiner	8,021	1,334	635	28	-	10,018	8,983
	407,846	63,388	(395)	2,766	2,020	475,625	404,585
Statutory:							
Motor Vehicle Accident Claims	25,934	191	395	37	345	26,902	27,408
	$ 433,780	$ 63,579	$ -	$ 2,803	$ 2,365	$ 502,527	$ 431,993

(1) Expenses-Directly Incurred as per Statement of Operations, excluding valuation adjustments.
(2) Costs for Accommodation (includes grants in lieu of taxes) on Schedule 7, allocated by square footage.
(3) Cost shown for Legal Services on Schedule 7, estimated costs incurred by each program.
(4) Valuation Adjustments as per Statement of Operations. Employee Benefits and Doubtful Accounts were allocated as follows:
- Vacation Pay - allocated to the program by employee, and
- Doubtful Accounts Provision - estimated allocation to program.

Other Information

The following information is unaudited.

98 **Statement of Compromises and Write-offs**
99 **Civil Law Legal Services Delivery**
100-102 **Fine Activity Information**
103-104 **Fine Collection Cost Estimates**

Statement of Compromises and Write-offs for the Year Ended March 31, 2009

The following statement of compromises and write-offs has been prepared pursuant to Section 23 of the *Financial Administration Act*. The statement includes all compromises and write-offs of the Ministry of Justice made or approved during the fiscal year.

		$(000)
Compromises:		
Motor Vehicle Accident Recoveries	$	97
Maintenance Enforcement Program		3
	$	100
Write-offs:		
Fines	$	5,166
Late Payment Penalties		1,477
Abandoned and Seized Vehicles		178
Maintenance Enforcement Program		825
	$	7,646
Total Compromises and Write-offs	$	7,746

Civil Law Legal Services Delivery - Current and Prior Year Comparison

Staff Providing Services

Civil Law provides legal and related strategic services to all government ministries. Civil Law maintains a time keeping system to enable its lawyers, paralegals and articling students to record and report the hours of legal services provided in total to each Ministry and their respective programs. In 2008-09 192 lawyers, paralegals and articling students recorded in excess of 231,000 hours of provided legal services and in 2007-08 180 such staff recorded more than 214,000 hours. The total hours of service to each Ministry is used as the basis to allocate legal services costs.

Cost of Legal Services

The costing methodology to estimate the costs for providing legal services for allocation to all client ministries includes the total cost of Civil Law less expenditures on contracted services and grants to third parties. A proportionate amount for support services provided by Corporate Services and Human Resource Services is included in the estimate. The estimate includes accommodation costs for office space in government owned or leased buildings as paid by and reported by the Ministry of Infrastructure, and also includes all or part of salary and benefit costs for lawyers paid directly by client ministries. The estimated costs are allocated to each Ministry based on the hours of service received. The Ministry of Justice, as a service provider, sends the legal services cost information to each Ministry for disclosure in the Related Party Transactions Schedule and the Allocated Costs Schedule to the financial statements of each ministry's annual report.

Client Satisfaction Rate

The percentage of client ministries who were *satisfied* to *very satisfied* with the legal services provided was 91 per cent in 2008-09 and 88 per cent in 2007-08. This performance measure is fully described under Goal 5 in this annual report.

Current and Prior Year Comparison

The table below summarizes the estimated cost of allocated legal services, the number of hours allocated, the average hourly cost and the client satisfaction rate.

Cost Estimates	2008-09	2007-08
Total Civil Law Costs	$33,214,404	$29,431,512
Deduct Contract Services, Grants, and Amortization	295,494	368,933
	$32,918,910	$29,062,579
Add: Support Services	1,690,236	1,633,261
Accommodation	1,181,175	1,194,908
Client Cost for Lawyers	3,072,254	3,594,777
Total Legal Services Costs for Allocation	$38,862,575	$35,485,525
Number of Hours of Service Provided	231,952	214,525
Average Hourly Cost	$167.55	$165.41
Client Satisfaction Rate	91%	88%

Fine Activity Information

Federal and Provincial Statute Offences and Municipal Bylaw Offences

A management information report summarizes fine activity by the recipients entitled to the fine or penalty revenue. The municipalities receive specific provincial statute offence fines and all municipal bylaw fines for offences occurring within municipal boundaries. The majority of municipal fine activity occurs in cities, towns, counties and municipal districts. The Alberta government receives fine revenue for provincial statute offences occurring on primary highways and other specific provincial statute offences. The Alberta government receives any late payment penalties on overdue fines and some fines under the *Criminal Code of Canada* and retains 16 2/3 per cent of *Traffic Safety Act* fines. The Victims of Crime Fund, administered by Alberta Solicitor General and Public Security, receives a 15 per cent surcharge on all provincial statute fines and a surcharge on selective federal statute offences. These surcharge revenues are used to fund victims programs in Alberta. The federal government receives fine revenue for federal statute offences and selective fines under the *Criminal Code*.

The tables below summarize fines imposed, fine payments and uncollectible fines for the twelve months from April 2008 to March 2009 and for the twelve months from April 2007 to March 2008, by the recipient level of government. The final two tables summarize outstanding fines at March 31, 2009 and March 31, 2008, by the recipient level of government.

Fines Imposed - April 2008 to March 2009

Recipient	Number of Fines Imposed	Percent of Total Number	Dollar Value of Fines Imposed	Percent of Total Value
Municipalities	1,330,258	27.4%	$ 133,453,635	50.0%
Alberta Government	255,335	5.3%	49,907,507	18.7%
Victims of Crime Fund	1,342,537	27.7%	29.304,143	11.0%
Federal Government	1,698	0.0%	2,793,994	1.0%
Late Payment Penalty	639,624	13.2%	17,578,788	6.6%
Fine Retention	1,282,363	26.4%	33,829,733	12.7%
Total	4,851,815	100%	$ 266,867,800	100.0%

Fines Imposed - April 2007 to March 2008

Recipient	Number of Fines Imposed	Percent of Total Number	Dollar Value of Fines Imposed	Percent of Total Value
Municipalities	1,215,818	28.1%	$ 122,517,194	51.0%
Alberta Government	203,445	4.7%	42,090,629	17.5%
Victims of Crime Fund	1,200,433	27.8%	26,557,067	11.1%
Federal Government	1,474	0.0%	2,987,543	1.2%
Late Payment Penalty	556,020	12.9%	15,430,037	6.4%
Fine Retention	1,144,910	26.5%	30,694,422	12.8%
Total	4,322,100	100.0%	$ 240,276,422	100.0%

Fines Payments - April 2008 to March 2009

Recipient	Number of Fines Payments	Percent of Total Number	Dollar Value of Fines Payments	Percent of Total Value
Municipalities	1,228,129	27.3%	$ 115,069,343	51.6%
Alberta Government	225,733	5.0%	36,090,652	16.2%
Victims of Crime Fund	1,243,893	27.6%	24,520,948	11.0%
Federal Government	2,172	0.0%	2,085,997	0.9%
Late Payment Penalty	601,822	13.4%	16,291,194	7.3%
Fine Retention	1,203,208	26.7%	29,002,131	13.0%
Total	4,504,957	100.0%	$ 223,060,265	100.0%

Fines Payments - April 2007 to March 2008

Recipient	Number of Fines Payments	Percent of Total Number	Dollar Value of Fines Payments	Percent of Total Value
Municipalities	1,151,633	28.1%	$ 108,233,952	52.6%
Alberta Government	181,609	4.4%	31,489,373	15.3%
Victims of Crime Fund	1,130,613	27.6%	22,695,672	11.0%
Federal Government	2,217	0.1%	1,960,313	1.0%
Late Payment Penalty	544,226	13.3%	14,667,366	7.4%
Fine Retention	1,088,408	26.5%	26,630,228	13.0%
Total	4,098,706	100.0%	$ 205,676,904	100.0%

Uncollectible Fines - April 2008 to March 2009

Recipient	Number of Uncollectible Fines	Percent of Total Number	Dollar Value of Uncollectible Fines	Percent of Total Value
Municipalities	50,111	41.4%	$ 7,907,841	49.7%
Alberta Government	13,482	11.2%	5,165,511	32.5%
Victims of Crime Fund	3,665	3.0%	186,232	1.2%
Federal Government	557	0.5%	1,175,892	7.4%
Late Payment Penalty	53,090	43.9%	1,477,226	9.3%
Fine Retention	Not available		Not available	
Total	120,905	100.0%	$ 15,912,702	100.0%

Uncollectible Fines - April 2007 to March 2008

Recipient	Number of Uncollectible Fines	Percent of Total Number	Dollar Value of Uncollectible Fines	Percent of Total Value
Municipalities	48,101	40.2%	$ 5,031,031	47.6%
Alberta Government	14,390	12.0%	3,382,285	32.0%
Victims of Crime Fund	4,474	3.8%	232,486	2.2%
Federal Government	579	0.5%	791,579	7.5%
Late Payment Penalty	52,054	43.5%	1,136,443	10.7%
Fine Retention	Not available		Not available	
Total	119,598	100.0%	$ 10,573,824	100.0%

Outstanding Fines - at March 31, 2009

Recipient	Number of Outstanding Fines	Percent of Total Number	Dollar Value of Outstanding Fines	Percent of Total Value
Municipalities	586,998	30.5%	$ 91,438,222	49.5%
Alberta Government	148,545	7.7%	47,044,934	25.5%
Victims of Crime Fund	31,018	1.6%	2,101,164	1.1%
Federal Government	3,645	0.2%	5,231,819	2.8%
Late Payment Penalty	634,167	33.0%	18,927,484	10.2%
Fine Retention	519,736	27.0%	20,051,516	10.9%
Total	1,924,018	100.0%	$ 184,795,139	100.0%

Outstanding Fines - at March 31, 2008

Recipient	Number of Outstanding Fines	Percent of Total Number	Dollar Value of Outstanding Fines	Percent of Total Value
Municipalities	538,477	30.9%	$ 84,592,656	49.8%
Alberta Government	130,116	7.5%	42,847,053	25.2%
Victims of Crime Fund	29,900	1.7%	1,916,180	1.1%
Federal Government	3,482	0.2%	5,622,003	3.3%
Late Payment Penalty	571,172	32.8%	16,979,559	10.0%
Fine Retention	468,600	26.9%	17,938,145	10.6%
Total	1,741,747	100.0%	$ 169,895,596	100.0%

Fine Collection Cost Estimates

Overview

Costing methodologies have been developed to estimate the cost of collecting a provincial statute fine and the cost of collecting a federal statute (*Criminal Code* and other) fine. The estimated cost of collecting a provincial statute fine is related to the number of violation tickets received by all Provincial Court offices in Alberta. The estimated cost of collecting a federal statute fine is related to the approximate number of Fine Orders in all Provincial Court offices. The estimated costs are those incurred by Alberta Justice in Court Services, Criminal Justice and Corporate Services programs.

Estimated Cost of Collecting a Provincial Statute Fine 2008-09 and 2007-08

There were 1.674 million violation tickets received by all Provincial Court offices in 2008-09 and 1.497 million in 2007-08. The major cost components for Court Services are the Calgary and Edmonton Provincial Traffic Courts, ticket processing costs in the Regional Provincial Courts and the cost of violation ticket printing and direct general and regional overhead expenditures. Criminal Justice costs include paralegal prosecutors and support staff and first appearance centres in Calgary and Edmonton. Corporate Services costs are for the operation and maintenance of the Justice Online Information Network (JOIN) system applicable to violation tickets and for postage and handling of the Notice of Conviction mail-outs.

The table below summarizes the provincial statute and municipal bylaw fine payments received and the cost for violation tickets received by all provincial courts.

Total Provincial Statute and Municipal Bylaw Payments Received		2008-09	2007-08
Provincial Acts - Fine and Surcharge		$ 181,975,178	$ 168,202,725
Municipal Bylaw		12,219,877	9,987,574
Late Payment Penalty		16,291,088	13,499,824
Total Violation Ticket Payments	A	$ 210,486,143	$ 191,690,123
Cost for Violation Tickets Received by all Courts			
Total Estimated Cost	B	$ 28,559,123	$ 26,089,874
Cost per Dollar Collected (B/A)		$ 0.14	$ 0.14

Estimated Cost of Collecting a Federal Statute Fine 2008-09 and 2007-08

There were 30,941 Fine Orders in all Provincial Court offices in 2008-09 and 28,736 in 2007-08. The major cost components for Court Services are the salary and benefit costs of court staff and Provincial Court judges with associated supplies and services costs. Criminal Justice costs are primarily the salary and benefit costs of the Crown prosecutors. Corporate Services costs are for the operation and maintenance of the JOIN system applicable to criminal case tracking. Corporate Services also pays for the salary and other operating costs for the Fines Enforcement Unit who collects *Criminal Code* fines on behalf of all courts in the province.

The table below summarizes the federal statute fine payments received and the cost for all Fine Orders prepared by all Provincial Court offices.

Total Federal Statute Payments Received			2008-09		2007-08
Federal Acts - Fine and Surcharge	A	$	12,571,630	$	11,989,264
Cost for Fine Orders by All Courts					
Court Services and Criminal Justice		$	20,468,481	$	19,722,283
Corporate Services			1,093,358		911,623
Total Estimated Cost	B	$	21,561,839	$	20,633,906
Cost per Dollar Collected (B/A)		$	1.72	$	1.72

Supplementary Ministry Financial Information

Financial Information

Office of the Public Trustee, Estates and Trusts

Financial Statements

Year Ended March 31, 2009

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Auditor's Report

To the Minister of Justice and Attorney General

I have audited the statement of financial position of the Office of the Public Trustee, Estates and Trusts as at March 31, 2009, the statement of changes in net assets administered and the common fund statement of operations for the year then ended. These financial statements are the responsibility of the management of the Office of the Public Trustee. My responsibility is to express an opinion on these financial statements based on my audit.

I conducted my audit in accordance with Canadian generally accepted auditing standards. Those standards require that I plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In my opinion, these financial statements present fairly, in all material respects, the financial position of the Office of the Public Trustee, Estates and Trusts as at March 31, 2009, and the changes in its net assets and the results of its operations for the year then ended in accordance with Canadian generally accepted accounting principles.

[Original signed by Fred J. Dunn]
FCA
Auditor General

Edmonton, Alberta
June 4, 2009

Office of the Public Trustee
Estates and Trusts
Statement of Financial Position
as of March 31, 2009

($000)

	2009	2008 Restated (Note 3)
COMMON FUND ASSETS		
Cash (Note 4)	$ 18,672	$ 12,316
Accrued Investment Income (Note 2(h))	6,177	6,217
Common Fund Accounts Receivable	1,449	-
Investments (Note 5)	428,206	424,009
	454,504	442,542
Client Guaranteed Accounts (Note 2(a))	(387,790)	(378,777)
	66,714	63,765
CLIENT ASSETS		
Client Guaranteed Accounts	387,790	378,777
Accounts Receivable (Note 2 (d(i)))	4,469	4,189
Securities and Investments (Note 6)	59,954	46,202
Real Estate Holdings (Note 2(d(iii)))	31,877	25,082
Personal Property and Other Assets (Note 2(d(iv)))	1,071	1,129
	485,161	455,379
TOTAL ASSETS	$ 551,875	$ 519,144
COMMON FUND LIABILITIES		
Accounts payable and accrued liabilities	$ 3,457	$ 1,280
CLIENT LIABILITIES		
Advances from Ministry of Finance and Enterprise	-	24
Accounts, Mortgages and Notes Payable (Note 2(d(v)))	14,333	8,730
Estate Administration Fees Payable to the Public Trustee (Note 3)	9,653	9,903
	23,986	18,657
	27,443	19,937
NET ASSETS ADMINISTERED		
Common Fund	63,257	62,485
Client Assets	461,175	436,722
	524,432	499,207
TOTAL LIABILITIES AND NET ASSETS ADMINISTERED	$ 551,875	$ 519,144

The accompanying notes are an integral part of these financial statements.

Office of the Public Trustee
Estates and Trusts
Statement of Changes in Net Assets Administered
For the Year ended March 31, 2009

($000)

	2009	2008 Restated (Note 3)
SOURCE OF ASSETS		
Client Pensions, Benefits, Settlements and Other Funds Received	$ 87,586	$ 76,790
Client Assets Acquired During the Year	42,342	39,848
Income Earned on Common Fund Investments (Note 2(c))	19,548	27,919
Dividends, royalty and other income form Client Investments	1,906	1,415
TOTAL ASSETS ACQUIRED	151,382	145,972
DISPOSITION OF ASSETS		
Distributions of Beneficiaries	48,718	46,490
Payments for Care and Maintenance of Clients	49,995	44,704
Assets Released to Clients	17,415	16,862
Taxes Paid on Behalf of Clients	2,731	3,044
Estate Administration Fees Paid to Public Trustee (Note 2(e))	5,334	7,669
Common Fund Operating Expenses	1,964	1,350
TOTAL DISPOSITION OF ASSETS	126,157	120,119
INCREASE IN ASSETS ADMINISTERED	25,225	25,853
NET ASSETS ADMINISTERED - BEGINNING OF YEAR	499,207	473,354
NET ASSETS ADMINISTERED - END OF YEAR	$ 524,432	$ 499,207

The accompanying notes are an integral part of these financial statements.

Office of the Public Trustee
Estates and Trusts
Common Fund Statement of Operations
For the Year ended March 31, 2009

($000)

	2009	2008 Restated (Note 3)
REVENUE		
Revenue from investments	$ 18,778	$ 19,528
Gain on sale of investments (Note 5)	391	7,419
Interest from cash deposits	361	857
Recovery of prior period expenses	18	115
	19,548	27,919
EXPENSES		
General expenses	1	142
Assurance payments (Note 7)	136	24
Common Fund transfer (Note 2(g))	1,827	1,184
	1,964	1,350
NET OPERATING INCOME	17,584	26,569
INTEREST PAID TO CLIENTS (Note 2(f))	16,812	17,731
NET INCREASE IN COMMON FUND NET ASSETS	772	8,838
COMMON FUND NET ASSETS - BEGINNING OF YEAR	62,485	53,647
COMMON FUND NET ASSETS - END OF YEAR	$ 63,257	$ 62,485

The accompanying notes are an integral part of these financial statements.

Office of the Public Trustee
Estates and Trusts
Common Fund Statement of Operations
For the Year ended March 31, 2009

Note 1 Authority

The Public Trustee of Alberta operates under the authority of the *Public Trustee Act*, SA 2004, C.P. 44.1, ("the Act").

The Public Trustee of Alberta ("Public Trustee") protects the financial interests of vulnerable Albertans by administering the estates of dependent adults, decedents and minors.

The Ministry of Justice of Alberta ("the Ministry") is accountable for the Office of the Public Trustee as a part of the Ministry. These financial statements reflect the trust assets and related income and expenses, including estate administration fees charged by the Office of the Public Trustee. The Ministry pays the entire cost of operating the Office of the Public Trustee and the fees charged by the Office of the Public Trustee are paid to the Ministry. These amounts can be found in the financial statements of the Ministry.

Note 2 Summary of Significant Accounting Policies and Reporting Practices

These financial statements are prepared, by management, in accordance with Canadian generally accepted accounting principles for the public sector as recommended by the Public Sector Accounting Board of the Canadian Institute of Chartered Accountants and are expressed in Canadian dollars.

Because the precise determination of many assets, liabilities, revenues and expenses is dependent on future events, the preparation of financial statements for a period necessarily includes the use of estimates and approximations, which have been made using careful judgement. As a result, there is measurement uncertainty in the recorded amounts. In particular, the fair value of many assets is estimated at the time the Office of the Public Trustee assumes the responsibility for the asset. Actual results could differ from those estimates.

In management's opinion, these financial statements have been properly prepared within reasonable limits of materiality and within the framework of the accounting principles summarized below.

(a) Common Fund and Client Guaranteed Accounts

The *Public Trustee Act* Section 31(2) requires (with certain exceptions) that the money received by the Public Trustee for a client to be paid into the common fund. Section 33(3) requires any amount paid into the

common fund for a client under section 31(2) to be credited to the client's guaranteed account with the Public Trustee.

Section 31(4) of the Act states that no client or other person has any claim to or against the common fund except as provided by section 33. Section 33(6) states that the amount outstanding on a client's guaranteed account is a charge against the assets of the common fund and is unconditionally guaranteed by the Crown.

Note 2 Significant Accounting Policies and Reporting Practices (cont'd)

Section 32(1) of the Act states that assets may be transferred out of the common fund only as expressly required or permitted under the Act. Section 32(2) allows funds to be transferred out of the common fund to pay the client, to pay an expense or liability of the client (including Public Trustee fees authorized by section 40), or similar purposes. Amounts transferred from the common fund under section 32(2) are deducted from the client's guaranteed account (section 33(4)). Section 32(3) allows the Public Trustee to transfer amounts from the common fund to cover expenses of operating the common fund (e.g. bank charges, custodianship fees, investment advisors fees). Section 32(4) allows the Public Trustee, in accordance with the regulations, to transfer amounts from the common fund to be applied to the cost of administering the Act. Amounts transferred from the common fund under either section 32(3) or section 32(4) are not deducted from clients' guaranteed accounts (section 32(5)), but are charged against common fund operations.

Section 34 of the Act states that the Public Trustee, in accordance with regulations, sets the interest rate to be credited to client guaranteed accounts.

(b) Common Fund Investments

Common fund investments are recorded at cost. They include bonds, mortgages, equity investments and cash. Investment income is accrued as earned. Purchase price premiums or discounts are amortized on a straight-line basis over the remaining term of the investment.

Unless otherwise noted, it is management's opinion that the investments are not exposed to significant interest, currency, credit or market risks. The fair values of these investments approximate their carrying values unless otherwise noted.

(c) Revenue

All revenues are reported on the accrual basis of accounting.

(d) Client's Assets and Liabilities Outside of Common Fund

(i) *Accounts Receivable*

Client accounts receivable include pension and other benefits, life insurance policies, mortgages, leases and other miscellaneous receivables.

Pension plans with a guaranteed minimum payment are recorded at a nominal value of $1 and adjusted to residual value at the date of death of the client. Plans where there is no residual value are recorded at a nominal value of $1.

Life insurance policies that carry a cash surrender value are stated at cash surrender value. Policies that do not carry a cash surrender value are recorded at a nominal value of $1.

All other receivables are recorded at their face value.

Note 2 Significant Accounting Policies and Reporting Practices (cont'd)

(ii) *Securities and Investments*

Client securities and investments, held for clients outside the common fund, consist of bonds, annuities, shares, RRSPs, term deposits, guaranteed investment certificates and other investments. Annuities are recorded at the present value of their guaranteed term. If there is not a guaranteed term, the annuity is recorded at a nominal value of $1. Other client securities and investments are recorded at their market value at the time the Office of the Public Trustee assumes responsibility for the investment.

Where a market value for an investment is not readily available, the investment is recorded at a nominal value of $1. The carrying value of the investment is adjusted to market value if one subsequently becomes available.

(iii) *Real Estate Holdings*

Client real estate holdings are recorded at the property tax assessment value at the time the Office of the Public Trustee assumes responsibility for the property. Buildings and other depreciable assets are not depreciated in future periods after the initial value is determined.

Where the tax assessed value for property is not readily available, for example with foreign property, the property is recorded at a nominal value of $1. The carrying value of the property is adjusted to a tax assessed value if one subsequently becomes available.

(iv) *Personal Property and Other Assets*

Client personal property and other assets are recorded at a nominal value of $1 at the time the Office of the Public Trustee assumes responsibility for the assets.

The nominal value of jewellery, collectibles, mobile homes, and interests in insurance policies is adjusted to fair value when it becomes available.

(v) *Accounts Payable, Mortgages and Notes Payable*

Client accounts payable, mortgages and loans payable represent encumbrances of client assets that are payable to independent third parties. These client obligations are settled as client resources become available. In some cases, a client's liabilities exceed the stated value of his/her assets. These items are included as accounts payable and are paid as the resources of the client become available. The carrying value of these liabilities approximates fair value.

Note 2 Significant Accounting Policies and Reporting Practices (cont'd)

(e) Estate Administration Fees Paid to Public Trustee

Public Trustee fees on all official guardian accounts are calculated and collected in the month of the annual anniversary of the opening of the file. Fees are accrued for the period from the anniversary date to the Statement of Financial Position date. For accounts opened prior to January 1, 2005 a one-time calculation of fees on official guardian accounts was completed to December 31, 2004 and recorded as a liability. These fees will be collected from the client at the end of the Public Trustee's administration.

Public Trustee fees for dependent adult accounts are calculated and collected annually on the trust's anniversary date. Fees are accrued for the period from the anniversary date to the Statement of Financial Position date.

Public Trustee fees on decedent accounts are not charged until the trust or account is distributed. Fees are accrued from the period of the date the trust account was opened until the Statement of Financial Position date.

In addition to the above stated administration fees the Public Trustee may, in accordance with section 40(1)(a) of the Act, charge the client any fee that the Public Trustee deems is reasonable for any service, including legal services, that the Public Trustee provides to the client or for a task or function performed by the Public Trustee for the benefit of the client. Under section 40(1)(b), the Public Trustee is entitled to collect from the client any expense reasonably incurred on the client's behalf.

(f) Interest Paid to Clients

Section 34 of the Act states that the Public Trustee shall set the interest rate for each category of guaranteed accounts in accordance with the regulation. Interest must be credited to guaranteed accounts in accordance to this section and the regulation. Interest is calculated on the minimum daily balance of each client's account and is credited to the client's account monthly. The interest rate as at March 31, 2009 is 4.0 per cent (2008 – 4.5 per cent).

(g) Common Fund Transfer

The Public Trustee, in accordance with section 32(4) of the Act and the regulation, may transfer amounts from the common fund to the General Revenue Fund to be applied to the cost of administering the Act. Up to a maximum of 1 per cent of the prior year's Net Assets Administered may be transferred annually to the Ministry of Finance and Enterprise to fund specific initiatives that have been approved by Treasury Board.

(h) Accrued Interest Receivable

In prior years, accrued investment income for the diversified portfolio portion of the Common Fund investments was included in Accrued Investment Income. This asset has been reclassified from Accrue Investment Income to Common Fund investments. As a result, Accrued Investment Income has been decreased and Common Fund investments has been increased by $241 and $238 for the 2009 and 2008 fiscal years respectively.

Note 3 Estate Administration Fees
(in thousands)

The Office of the Public Trustee changed its accounting policy for recognizing Public Trustee fees of decedent estate accounts. In prior years fees were recognized on a cash basis when received because fees were calculated and collected at the end of account administration. The fees are now recorded on an accrual basis for decedent accounts to better reflect the liabilities of the trusts. Accounts payable and Public Trustee fees have been restated to reflect this change.

The change in accounting policy has been applied retroactively. Due to limitations in the accounting system of the Public Trustee, the impact of the change in accounting policy on April 1, 2007 net liabilities cannot be determined. Therefore, the entire adjustment has been recorded in the 2007-2008 year.

The impact on the Statement of Financial Position is as follows:

Client Liabilities at March 31, 2009 as previously reported	$	16,035
Add accrual for administration fees		2,622
Restated for the year ended March 31, 2008	$	18,657
Net Assets Administered as March 31, 2008 as previously reported	$	501,829
Less accrual for administration fees		(2,622)
Restated for the year ended March 31, 2008	$	499,207

The impact on the Statement of Changes in Net Assets Administered is to increase Estate Administration Fees Paid to Public Trustee by $180 for the year ended March 31, 2009 and by $2,622 for the year ended March 31, 2008. There is no impact on the Common Fund Statement of Operations.

Note 4 Cash

Cash consists of demand deposits in the Consolidated Cash Investment Trust Fund (CCITF). The CCITF is administered by the Ministry of Finance and Enterprise with the objective of providing competitive interest income to depositors while maintaining maximum security and liquidity of depositors' capital. The portfolio comprises high quality short-term and mid-term fixed-income securities with a maximum term-to-maturity of three years. As at March 31, 2009, securities held by the CCITF have a time-weighted rate of return of 3.0 per cent per annum (2008 – 4.5 per cent per annum).

Note 5 Investments
(in thousands)

The table below represents the investment asset mix and for fixed income investments shows the remaining terms to maturity and interest rates as of March 31, 2009.

	0 to 5 years	5 to 10 years	Over 10 years	2009	2008
Government of Canada bonds Interest rate	$ 23,361 4.0% to 4.65%	-	$ 2,273 2.0% to 8.0%	$ 25,634	$ 50,464
Province of Alberta bonds Interest rate	$ 19,393 4.5% to 5.85%	$ 540 4.65%	-	$ 19,933	$ 20,055
Other Provinces bonds Interest rate	$ 134,087 4.4% to 11.0%	$ 4,182 4.3% to 4.5%	$ 8,179 5.6% to 8.5%	$ 146,448	$ 168,535
Municipal bonds Interest rate	$ 31,524 5.8% to 5.9%	-	-	$ 31,524	$ 31,922
Corporations bonds Interest rate	$ 65,170 4.17% to 5.06%	$ 57,646 4.55% and at variable rates	$ 22,680 at variable rates	$ 145,496	$ 133,799
ATB Financial Bonds Interest rate	$ 5,947 4.1%	-	-	$ 5,947	$ 5,927
Equity Investments	-	-	$ 13,276	$ 13,276	$ 4,946
Cash and Cash Equivalent	$ 8,774	-	-	$ 8,774	$ 7,147
Mortgages Interest rate	$ 12,280 4.59% to 5.85%	-	$ 895 at variable rates	$ 13,175	$ 976
Other - Asset Backed Interest rate	$ 17,463 5.3% to 5.42%	-	-	$ 17,463	-
Other - US Treasury Interest rate	-	-	$ 295 3.5%	$ 295	-
Interest Receivable Diversified Portfolio	$ 241	-	-	$ 241	$ 238
Total	$ 318,240	$ 62,368	$ 47,598	$ 428,206	$ 424,009
Market Value - March 31				$ 437,398	$ 431,722

Note 5 Investments (cont'd)

During the prior year, the investment policy was revised. A new Common Fund Statement of Investment Policies and Goals was approved. In management's opinion, the structure of the investment portfolio complies with the established guidelines and has minimal risk.

The Office of the Public Trustee also retained the services of an outside investment manager to manage the common fund investment portfolio. The portfolio was restructured in accordance with the revised investment policy. All previous investments were sold in August 2007 resulting in a gain of $7,327.

Note 6 Client Assets - Securities and Investments
(in thousands)

Client securities and investments consist of:

	2009	2008
Term and RRSP Deposits	$ 8,527	$ 10,885
Government of Canada Bonds	994	964
Shares and Other Securities	50,433	34,353
Total	$ 59,954	$ 46,202

Due to the numerous unique client investments, it is not practical to determine market value or disclose rates of return on these investments.

Note 7 Assurance Payments

Section 35(1) of the Act states that the Minister may authorize an amount to be transferred from the common fund to a person who has suffered a loss as a result of an act or omission of the Public Trustee, if the Public Trustee certifies that it is just and equitable to make the payment. Under section 35(2) the amount of the claim may not exceed the amount by which the value of the assets of the common fund exceeds the total amount outstanding on guaranteed accounts immediately before the payment. During the year, the Office of the Public Trustee made assurance payments of $136,000 (2008 - $24,000).

Note 6 Client Assets - Securities and Investments
(in thousands)

At March 31, 2009, the Public Trustee is a defendant in ten legal claims (2008 – ten legal claims). Seven of these claims have specified amounts totalling $938,388 and the remaining three have no specified amount (2008 – seven claims with a specified amount of $938,388 and three with no specified amount). Included in the total legal claims are four claims amounting to $916,000 (2008 – four claims amounting to $916,000) in which the Public Trustee has been jointly named with other entities. Eight claims amounting to $919,150 (2008 – nine claims totalling $929,950) are covered by the Alberta Risk Management Fund.

Note 9 Statement of Cash Flows

A statement of cash flows has not been included in these financial statements as the cash flow information is readily apparent from the other statements.

Note 10 Statement of Cash Flows

The Deputy Minister of Justice and Attorney General and the Public Trustee approved these financial statements.

Alphabetical List of Entities' Financial Statements in Ministry 2008-09 Annual Reports

ENTITIES INCLUDED IN THE CONSOLIDATED GOVERNMENT REPORTING ENTITY

Ministry, Department, Fund or Agency	*Ministry Annual Report*
Access to the Future Fund	Advanced Education and Technology
Agriculture Financial Services Corporation	Agriculture and Rural Development
Alberta Alcohol and Drug Abuse Commission	Health and Wellness
Alberta Cancer Prevention Legacy Fund	Finance and Enterprise
Alberta Capital Finance Authority	Finance and Enterprise
Alberta Energy and Utilities Board[1]	Energy
Alberta Enterprise Corporation[2]	Advanced Education and Technology
Alberta Foundation for the Arts	Culture and Community Spirit
Alberta Gaming and Liquor Commission	Solicitor General and Public Security
Alberta Heritage Foundation for Medical Research Endowment Fund	Finance and Enterprise
Alberta Heritage Savings Trust Fund	Finance and Enterprise
Alberta Heritage Scholarship Fund	Finance and Enterprise
Alberta Heritage Science and Engineering Research Endowment Fund	Finance and Enterprise
Alberta Historical Resources Foundation	Culture and Community Spirit
Alberta Insurance Council	Finance and Enterprise
Alberta Investment Management Corporation[3]	Finance and Enterprise
Alberta Livestock and Meat Agency[4]	Agriculture and Rural Development
Alberta Local Authorities Pension Plan Corporation	Finance and Enterprise
Alberta Pensions Administration Corporation	Finance and Enterprise
Alberta Petroleum Marketing Commission	Energy
Alberta Research Council Inc.	Advanced Education and Technology
Alberta Risk Management Fund	Finance and Enterprise
Alberta School Foundation Fund	Education
Alberta Securities Commission	Finance and Enterprise
Alberta Social Housing Corporation	Housing and Urban Affairs
Alberta Sport, Recreation, Parks and Wildlife Foundation	Tourism, Parks and Recreation
Alberta Treasury Branches	Finance and Enterprise
Alberta Utilities Commission[1]	Energy
ATB Insurance Advisors Inc.	Finance and Enterprise
ATB Investment Management Inc.	Finance and Enterprise
ATB Investment Services Inc.	Finance and Enterprise
ATB Securities Inc.	Finance and Enterprise

ENTITIES INCLUDED IN THE CONSOLIDATED GOVERNMENT REPORTING ENTITY

Ministry, Department, Fund or Agency	*Ministry Annual Report*
Child and Family Services Authorities: Calgary and Area Child and Family Services Authority Central Alberta Child and Family Services Authority East Central Alberta Child and Family Services Authority Edmonton and Area Child and Family Services Authority North Central Alberta Child and Family Services Authority Northeast Alberta Child and Family Services Authority Northwest Alberta Child and Family Services Authority Southeast Alberta Child and Family Services Authority Southwest Alberta Child and Family Services Authority Métis Settlements Child and Family Services Authority	Children and Youth Services
C-FER Technologies (1999) Inc.	Advanced Education and Technology
Climate Change and Emissions Management Fund[5]	Environment
Credit Union Deposit Guarantee Corporation	Finance and Enterprise
Colleges: Alberta College of Art and Design Bow Valley College Grande Prairie Regional College Grant MacEwan College Keyano College Lakeland College Lethbridge Community College Medicine Hat College Mount Royal College NorQuest College Northern Lakes College Olds College Portage College Red Deer College	Advanced Education and Technology
Department of Advanced Education and Technology	Advanced Education and Technology
Department of Agriculture and Rural Development	Agriculture and Rural Development
Department of Children and Youth Services	Children and Youth Services
Department of Culture and Community Spirit	Culture and Community Spirit
Department of Education	Education
Department of Energy	Energy
Department of Finance and Enterprise	Finance and Enterprise
Department of Environment	Environment
Department of Health and Wellness	Health and Wellness
Department of Housing and Urban Affairs	Housing and Urban Affairs

ENTITIES INCLUDED IN THE CONSOLIDATED GOVERNMENT REPORTING ENTITY

Ministry, Department, Fund or Agency	*Ministry Annual Report*
Department of Municipal Affairs	Municipal Affairs
Department of Seniors and Community Supports	Seniors and Community Supports
Department of Solicitor General and Public Security	Solicitor General and Public Security
Department of Sustainable Resource Development	Sustainable Resource Development
Department of Tourism, Parks and Recreation	Tourism, Parks and Recreation
Energy Resources Conservation Board[1]	Energy
Environmental Protection and Enhancement Fund	Sustainable Resource Development
Gainers Inc.	Finance and Enterprise
Government House Foundation	Culture and Community Spirit
Historic Resources Fund	Culture and Community Spirit
Human Rights, Citizenship and Multiculturalism Education Fund	Culture and Community Spirit
iCORE Inc.	Advanced Education and Technology
Lottery Fund	Solicitor General and Public Security
Ministry of Aboriginal Relations[6]	Aboriginal Relations
Ministry of Advanced Education and Technology	Advanced Education and Technology
Ministry of Agriculture and Rural Development	Agriculture and Rural Development
Ministry of Children and Youth Services	Children and Youth Services
Ministry of Culture and Community Spirit	Culture and Community Spirit
Ministry of Education	Education
Ministry of Employment and Immigration[5]	Employment and Immigration
Ministry of Energy	Energy
Ministry of Environment	Environment
Ministry of Executive Council[6]	Executive Council
Ministry of Finance and Enterprise	Finance and Enterprise
Ministry of Health and Wellness	Health and Wellness
Ministry of Housing and Urban Affairs	Housing and Urban Affairs
Ministry of Infrastructure[6]	Infrastructure
Ministry of International and Intergovernmental Relations[6]	International, and Intergovernmental Relations
Ministry of Justice[6]	Justice
Ministry of Municipal Affairs	Municipal Affairs

ENTITIES INCLUDED IN THE CONSOLIDATED GOVERNMENT REPORTING ENTITY

Ministry, Department, Fund or Agency	*Ministry Annual Report*
Ministry of Seniors and Community Supports	Seniors and Community Supports
Ministry of Service Alberta[6]	Service Alberta
Ministry of Solicitor General and Public Security	Solicitor General and Public Security
Ministry of Sustainable Resource Development	Sustainable Resource Development
Ministry of Tourism, Parks, and Recreation	Tourism, Parks, and Recreation
Ministry of Transportation[6]	Transportation
Ministry of the Treasury Board[6]	Treasury Board
N.A. Properties (1994) Ltd.	Finance and Enterprise
Natural Resources Conservation Board	Sustainable Resource Development
Persons with Developmental Disabilities Community Boards: Calgary Region Community Board Central Region Community Board Edmonton Region Community Board Northeast Region Community Board Northwest Region Community Board South Region Community Board	Seniors and Community Supports
Provincial Judges and Masters in Chambers Reserve Fund	Finance and Enterprise
Regional Health Authorities and Provincial Health Boards: Alberta Cancer Board Alberta Mental Health Board Aspen Regional Health Authority Calgary Health Region Capital Health Chinook Regional Health Authority David Thompson Regional Health Authority East Central Health Health Quality Council of Alberta Northern Lights Health Region Peace Country Health Palliser Health Region	Health and Wellness
Safety Codes Council	Municipal Affairs
School Boards and Charter Schools: Almadina School Society Aspen View Regional Division No. 19 Aurora School Ltd. Battle River Regional Division No. 31 Black Gold Regional Division No. 18 Boyle Street Education Centre Buffalo Trail Public Schools Regional Division No. 28 Calgary Arts Academy Society	Education

ENTITIES INCLUDED IN THE CONSOLIDATED GOVERNMENT REPORTING ENTITY

Ministry, Department, Fund or Agency	*Ministry Annual Report*

School Boards and Charter Schools (Continued):

Calgary Girls' School Society
Calgary Roman Catholic Separate School District No. 1
Calgary School District No. 19
Calgary Science School Society
Canadian Rockies Regional Division No. 12
CAPE-Centre for Academic and Personal Excellence Institute
Chinook's Edge School Division No. 73
Christ the Redeemer Catholic Separate Regional Division No. 3
Clearview School Division No. 71
East Central Alberta Catholic Separate Schools Regional Division No. 16
East Central Francophone Education Region No. 3
Edmonton Catholic Separate School District No. 7
Edmonton School District No. 7
Elk Island Catholic Separate Regional Division No. 41
Elk Island Public Schools Regional Division No. 14
Evergreen Catholic Separate Regional Division No. 2
FFCA Charter School Society
Foothills School Division No. 38
Fort McMurray Roman Catholic Separate School District No. 32
Fort McMurray School District No. 2833
Fort Vermilion School Division No. 52
Golden Hills School Division No. 75
Grande Prairie Public School District No. 2357
Grande Prairie Roman Catholic Separate School District No. 28
Grande Yellowhead Regional Division No. 35
Grasslands Regional Division No. 6
Greater North Central Francophone Education Region No. 2
Greater Southern Public Francophone Education Region No. 4
Greater Southern Separate Catholic Francophone Education Region No. 4
Greater St. Albert Catholic Regional Division No. 29
High Prairie School Division No. 48
Holy Family Catholic Regional Division No. 37
Holy Spirit Roman Catholic Separate Regional Division No. 4
Horizon School Division No. 67
Lakeland Roman Catholic Separate School District No. 150
Lethbridge School District No. 51
Living Waters Catholic Regional Division No. 42
Livingstone Range School Division No. 68
Medicine Hat Catholic Separate Regional Division No. 20
Medicine Hat School District No. 76
Moberly Hall School Society
Mother Earth's Children's Charter School Society
New Horizons Charter School Society
Northern Gateway Regional Division No. 10

ENTITIES INCLUDED IN THE CONSOLIDATED GOVERNMENT REPORTING ENTITY

Ministry, Department, Fund or Agency	*Ministry Annual Report*
School Boards and Charter Schools (Continued):	
Northern Lights School Division No. 69	
Northland School Division No. 61	
Northwest Francophone Education Region No. 1	
Palliser Regional Division No. 26	
Parkland School Division No. 70	
Peace River School Division No. 10	
Peace Wapiti School Division No. 76	
Pembina Hills Regional Division No. 7	
Prairie Land Regional Division No. 25	
Prairie Rose School Division No. 8	
Red Deer Catholic Regional Division No. 39	
Red Deer School District No. 104	
Rocky View School Division No. 41	
St. Albert Protestant Separate School District No. 6	
St. Paul Education Regional Division No. 1	
St. Thomas Aquinas Roman Catholic Separate Regional Division No. 38	
Sturgeon School Division No. 24	
Suzuki Charter School Society	
Westmount Charter School Society	
Westwind School Division No. 74	
Wetaskiwin Regional Division No. 11	
Wild Rose School Division No. 66	
Wolf Creek School Division No. 72	
Supplementary Retirement Plan Reserve Fund	Finance and Enterprise
Technical Institutes and The Banff Centre:	Advanced Education and Technology
Northern Alberta Institute of Technology	
Southern Alberta Institute of Technology	
The Banff Centre for Continuing Education	
Universities:	Advanced Education and Technology
Athabasca University	
The University of Alberta	
The University of Calgary	
The University of Lethbridge	
Victims of Crime Fund	Solicitor General and Public Security
The Wild Rose Foundation	Culture and Community Spirit

ENTITIES NOT INCLUDED IN THE CONSOLIDATED GOVERNMENT REPORTING ENTITY

Fund or Agency	*Ministry Annual Report*
Alberta Foundation for Health Research	Advanced Education and Technology
Alberta Heritage Foundation for Medical Research	Advanced Education and Technology
Alberta Heritage Foundation for Science and Engineering Research	Advanced Education and Technology
Alberta Teachers' Retirement Fund Board	Education
Improvement Districts' Trust Account	Municipal Affairs
Local Authorities Pension Plan	Finance and Enterprise
Long-Term Disability Income Continuance Plan - Bargaining Unit	Treasury Board
Long-Term Disability Income Continuance Plan - Management, Opted Out and Excluded	Treasury Board
Management Employees Pension Plan	Finance and Enterprise
Provincial Judges and Masters in Chambers (Registered) Pension Plan	Finance and Enterprise
Public Service Management (Closed Membership) Pension Plan	Finance and Enterprise
Public Service Pension Plan	Finance and Enterprise
Special Areas Trust Account	Municipal Affairs
Special Forces Pension Plan	Finance and Enterprise
Supplementary Retirement Plan for Public Service Managers	Finance and Enterprise
Workers' Compensation Board	Employment and Immigration

Footnotes

1 Effective January 1, 2008, the Alberta Energy and Utilities Board was realigned into two separate regulatory bodies: the Alberta Utilities Commission and the Energy Resources Conservation Board.
2 The Act was proclaimed and came into force on December 5, 2008.
3 Began operations July 1, 2008.
4 Incorporated on January 29, 2009
5 Began operations July 1, 2007.
6 Ministry includes only the departments so separate financial statements are not necessary.

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ISBN 978-0-7785-8564-0

September 2009

Printed in Alberta, Canada
on recycled, FSC certified paper